

Note: These Minutes have been amended. Please see Minutes of 18 January 2017 for amendments.

## **WESTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 NOVEMBER 2016**

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

**Also Present:** Michael Butler (Principal Planning Officer), Rachel Craggs (Principal Policy Officer (Equalities)), Paul Goddard (Team Leader - Highways Development Control), Debra Inston (Principal Conservation & Design Officer), Gary Rayner (Development Control Manager), Jo Reeves (Principal Policy Officer), Shiraz Sheikh (Principal Solicitor) and Peta Stoddart-Crompton (Public Relations Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth, Councillor Billy Drummond and Councillor Garth Simpson

**Councillor Absent:** Councillor Howard Bairstow

#### **PART I**

##### **33. Minutes**

It was noted that the minutes of the meeting held on 2 November 2016 had been reissued following publication of the agenda as a result of the identification of some typographical errors. The revised minutes were approved as a true and correct record and signed by the Chairman.

##### **34. Declarations of Interest**

Councillor Hilary Cole declared an interest in all Agenda Items, but reported that, although her interest was a personal registrable interest, and not a disclosable pecuniary interest, she determined to remain to take part in the debate but not vote on the matter.

Councillor Hewer declared a personal interest in all Agenda Items but reported that, as his interest was a personal interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Pick, Beck, Edwards declared an interest in Agenda Item 6 and 7, but reported that, as their interest was a personal or a other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Fredrickson declared that he might have predetermined Agenda Items 6 and 7 and therefore he determined to address the Committee in his capacity as Ward Member but would not take part in the debate or vote on this matter. He also gave his apologies for Item 6 and only joined the Committee for its public session.

Councillors Pick, Beck and von Celsing declared that they had been lobbied regarding Agenda Items 6 and 7.

Councillors Pick, Hilary Cole, Beck, James Cole and Edwards declared that they had been lobbied regarding Agenda Item 8.

35. **Schedule of Planning Applications**

36. **Exclusion of Press and Public**

**RESOLVED** that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution](#) also refers.

37. **Application No. & Parish: 16/00547/FULEXT Land at Market Street, Newbury**

The Committee received a confidential briefing in respect of Application 16/00547/FULEXT Land at Market Street, Newbury.

38. **Application No. and Parish: 16/00547/FULEXT Market Street, Newbury**

*(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda Item 7 by virtue of the fact that they were Members of Newbury Town Council Highways Committee. As their interest was personal or a other registrable, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter*

*Councillor Paul Hewer declared a personal interest in Agenda Item 7 by virtue of the fact that he worked for a local housing provider. As his interest was personal or a other registrable but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter*

*Councillor James Frederickson declared a personal and prejudicial interest in Agenda Item 7 by virtue of the fact that he had spoken publically in support of the application. As he could be deemed to have predetermined the application, he would be joining the public gallery during the course of consideration of the matter and would take no part in the debate or voting on the matter but would address the Committee as the Ward Member.*

*Councillor Hilary Cole declared a personal or a other registrable interest in Agenda Item 7 by virtue of the fact that she was Portfolio Holder for Highways and Transport and Chair of the District Planning Committee. As her interest was personal or a other registrable and not a disclosable pecuniary interest, she would be taking part in consideration of the matter and the debate but would not be voting on the matter.*

*Councillors Jeff Beck and Virginia Von Celsing declared that they had been lobbied on the matter.)*

1. The Committee considered a report (Agenda Item 7) concerning Planning Application 16/00547/FULEXT in respect of Market Street, Newbury.
2. In accordance with the Council's Constitution, Mrs Elizabeth O'Keefe, Parish Council representative, Mr Tony Vickers, objector, Mr David Walters, applicant, Mr Dominic Chapman, Agent and Councillor James Frederickson, Ward Member addressed the Committee on this application.
3. Debra Inston introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. Permission was sought to clear the site and erect 232 dwellings with associated car parking, residents' hub and management office, 816m<sup>2</sup> of flexible commercial floor space and a multi-storey car park.

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4. The Update Report provided clarification regarding the residents' hub, parking numbers and waste collection, which had resulted in the objection being withdrawn by the Waste Officer. The Update Report also included amendments to the wording in the conditions and that the development should meet the BREEAM Very Good standard.
5. The layout of the development was designed to integrate with the town centre with the provision of a north south route, which would be both pedestrian and cycle friendly and provide access to the train station.
6. All public spaces would be overlooked by buildings, which would be three to five storey high near Market Street and two and a half to four storeys high in the centre of the site. Towards the south of the site the buildings would be more formal and up to six storeys high to create an impressive gateway to the town. The height had been reduced by various architectural techniques and a change in the materials at the ground floor.
7. There would be three areas of soft landscaping and in the south west corner of the site there would be a multi storey car park, which would be constructed from various material designed to break up the bulk of it.
8. The Viability Appraisal that had been carried out showed that the maximum level of affordable housing would be 13 units (5.6%) before the development became unviable. This had been independently assessed by an external consultant who had agreed with the findings.
9. The remaining 219 residential units would be Private Rented Sector (PRS) housing, which offered increased housing choice for people priced out of the open market. It was therefore recommended that a covenant was included in the S106 Agreement stating that the scheme would not be broken up and sold on the open market for a period of 10 years.
10. As the units were designed to a high standard and there would also be employment and environmental benefits, Officers were recommending the planning application for approval subject to inclusion of the S106 Agreement.
11. Paul Goddard referred the Committee to section 7 of the report on Page 225. Highways Officers considered this site to be one of the most sustainable in West Berkshire; therefore parking requirements would be lower than normal. The result was that the development included a proposal for 108 parking spaces, half of which would be accessed from the train station and half from Market Street. Additional parking spaces would be accessed in the MSCP overnight and during the weekend.
12. The MSCP would be accessed during the day by Council staff and train station users and would result in a reduction in parking for Council staff. The 71 parking spaces in the open air car park adjacent to the bus station would also be lost, however this would be compensated by the freeing up of 200 parking spaces currently used by Vodafone staff.
13. Page 228 of the report set out the estimated traffic generation for the residential development at the various junctions in Bartholomew Street and the A339. Although there would be some impact it would be manageable and therefore Highways did not have any objections to the planning application.
14. Councillor Pick asked for clarification as to where Station Walk was located and Debra Inston advised that it would be at Station Approach.

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15. Councillor Bryant noted that the Update Report stated the development should meet the BREEAM Very Good standard. However, his understanding was that this was no longer enforceable. Debra Inston clarified it was the applicants that were proposing the commercial units met the BREEAM Very Good standard.
16. Councillor Beck mentioned the references to piling on Pages 254, 269 and 285 and suggested that consideration was given to the use of older piling on the site. Debra Inston responded that the recommendation had come from the Environment Agency and could possibly be linked to land contamination. Councillor Beck disputed this assertion as the use of piling would be in order to reduce noise levels and he asked if this could be investigated.
17. Councillor James Cole asked for clarification as to why the moving of Vodafone staff to their headquarters would free up the parking. Paul Goddard confirmed that they were currently using 200 parking spaces at the Northcroft multi-storey car park and being bussed to the headquarters. However a planning application was granted last year enabling Vodafone to extend its car parking at the Headquarters.
18. Councillor Cole further enquired whether there would be access to the MSCP in Market Street from the train station. Paul Goddard advised that access would be from Market Street with access from the train station only in emergencies.
19. Councillor Edwards asked what the gradient was from the station to Market Street and Debra Inston advised that it was 1 in 18.
20. Councillor Edwards further enquired whether there would be a cycle hub. Paul Goddard advised that a cycle hub was not included in the development but it complies with the Council's policy in relation to cycling provision.
21. Councillor Pick queried the fact there would only be 108 parking spaces available for the residential units. Paul Goddard responded that following a review, it had been confirmed that Council staff leave the car park between 4 – 6 pm daily and Page 262 of the report set out how the car park would be managed between the two uses.
22. Elizabeth O'Keefe in addressing the Committee raised the following points:
  - NTC supported the application but had concerns about affordable housing ratio being so low at 5.6%
  - The town has a rich history so an adequate archaeological survey should be carried out.
  - The development should consider including one or more items of public art and NTC offered to provide advice on this.
23. There were no requests from Members for clarification.
24. Tony Vickers in addressing the Committee raised the following points:
  - He was speaking on behalf of Spokes and the Newbury Society
  - They were concerned that a bridge was not included in the development linking the north and south sides of the station for pedestrian and cycle access and he requested that provision was made for this at a later date.
  - They were disappointed that the Cycle Hub had been removed.
  - Spokes was pleased about the proposal to remove the 'No Right Turn' from Market Street to Cheap Street.

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- He asked the Council to look at turning Market Street into a shared area with priority for pedestrians and cyclists.
  - On balance he hoped the planning application would be approved.
  - He asked the Council to look at making the whole of Market Street into a shared area so pedestrians and cyclists had priority.
  - On balance he hoped the planning application would be approved.
25. There were no requests from Members for clarification.
26. David Walters and Dominic Chapman in addressing the Committee raised the following points:
- They had been working with Network Rail and the Council for 10 years on this application.
  - Grainger would let and manage the whole development.
  - They had distributed over 5,000 leaflets and spoken to over 500 people about the development.
  - The development would provide a range of housing options and the fact that only six letters of objection had been received was symptomatic of the consultation they had undertaken.
  - The development had been outlined in the Newbury Vision and would provide a number of housing options for young people.
  - The Vision mentioned the need for public space and the development would not only provide well managed indoor space but also well managed outdoor space.
  - The Vision also mentioned diversity and the development rentals would be affordable to people to earning between £22k to £35k per annum.
  - The development would provide a gateway to Newbury and had been designed following the feedback from the various consultation exercises they had undertaken.
  - They wanted to create a long term legacy for Newbury and wanted the design to be appropriate.
27. Councillor Bryant enquired about maintenance of the painted bricks in the development. Mr Chapman replied that Grainger had a long term interest in the development and would maintain and upkeep the buildings and this would be included in the maintenance plan.
28. Councillor Bryant further enquired who would be responsible for managing the Residents' Hub. Mr Walters advised that managing private rented accommodation was Grainger's speciality and the hub would form part of the service provided to residents. The cost of fitting it out and staffing it would be met by Grainger and this would form part of the customer offering. There would be a full time member of staff employed to manage the hub and it would add to the longevity of the lettings by enabling residents to mix.
29. Councillor Bryant asked whether it would be possible to build a bridge linking the north and south sides of the train station at a later date. Mr Chapman advised that this had been discussed with the Council and although it was not in the brief, access was available via the car park which could accommodate the bridge connection at a later date.

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30. Councillor Bryant asked whether sprinklers had been included in the units and Mr Chapman responded that there was not a requirement to include them, which Councillor Bryant asked him to reconsider.
31. Councillor Pick commented on the concerns expressed by the SUDs Officer about reliance on the pumping station and questioned what would happen if it failed. Rebecca Crow responded that there would be two pumps so that if one failed there would be a back up and the design was such to ensure that gravity played a part in the movement of water within the development.
32. Councillor Edwards noted that he liked the design of the development and asked what had happened to the cycle hub. Mr Walters assured him that it had not been discarded and there was capacity for it on the site. However, consultation was required with Network Rail about this and Grainger would like to find a way to include it.
33. Councillor James Frederickson in addressing the Committee made the following points:
  - The following three principles from the National Policy Development Framework (NPDF) were relative to the planning application.
  - Strong competitive economy: Parkway had moved the town further north and so regeneration was required at the southern end of the town. Grainger had undertaken extensive consultation with residents, which was rare and they had taken note of the views expressed, which had been incorporated into the design.
  - Conserving and enhancing the historical nature of the site: Grainger had found alternative parking for the market traders to enable the historic market to continue whilst the development was under construction.
  - Affordable Housing: The Council's Core Strategy required 30% affordable housing but in view of the benefits that would be received as a result of the development, the reduced level was acceptable. Another developer might not be able to provide the 5.6% affordable housing that Grainger was providing in the development.
  - He was supportive of the planning application.
34. Councillor Bryant asked Paul Goddard if the traffic modelling had taken account of the traffic generated from the Sandleford development and Mr Goddard replied that it had not.
35. Councillor Beck noted that there had been a considerable amount of co-operation from Grainger and residents' concerns had been taken into account. He felt that if the development went ahead it would be a bonus for Newbury and, therefore, he proposed that the application was approved. This was seconded by Councillor Bryant.
36. Councillor Pick expressed the view that the development would be paying for the MSCP, which would be owned by the Council. In addition, Grainger would be providing the cost of relocating the Bus Station, a contribution towards the relocation of the existing sheltered housing at Highfield Avenue and the provision of the CIL payment to help to regenerate this part of Newbury. Therefore, he was in support of the application.
37. Councillor Hilary Cole noted that although she was very disappointed that the affordable housing allocation would not be 30%, she was aware from data provided by the DCLG for the period April 2015 – March 2016 that affordable

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housing nationally was 56% lower than the previous year. Therefore, this was an indicative of what developers were encountering with regard to affordable housing.

38. Councillor Paul Hewer said he supported the officer recommendation and would welcome a similar smaller design in his Hungerford ward.

**RESOLVED that** the Head of Planning and Countryside be authorised to grant planning permission subject to the Section 106 Agreement and the following conditions:

### Conditions

1. 3 yrs

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

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

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

### Elevations and Floorplans

B\_A\_E01 Rev P01 received 16 March 2016  
B\_A\_E02 Rev P01 received 16 March 2016  
B\_A\_01 Rev P01 received 16 March 2016  
B\_A\_02 Rev P01 received 16 March 2016  
B\_A\_03 Rev P01 received 16 March 2016  
B\_A\_X01 Rev P01 received 16 March 2016

B\_B\_E01 Rev P01 received 16 March 2016  
B\_B\_E02 Rev P01 received 16 March 2016  
B\_B\_01 Rev P01 received 16 March 2016  
B\_B\_02 Rev P01 received 16 March 2016  
B\_B\_03 Rev P01 received 16 March 2016  
B\_B\_X01 Rev P01 received 16 March 2016

B\_C\_E01 Rev P01 received 16 March 2016  
B\_C\_E02 Rev P01 received 16 March 2016  
B\_C\_01 Rev P01 received 16 March 2016  
B\_C\_02 Rev P01 received 16 March 2016  
B\_C\_03 Rev P01 received 16 March 2016  
B\_C\_X01 Rev P01 received 16 March 2016  
B\_D\_E01 Rev P01 received 16 March 2016  
B\_D\_E02 Rev P01 received 16 March 2016  
B\_D\_01 Rev P01 received 16 March 2016  
B\_D\_02 Rev P01 received 16 March 2016  
B\_D\_03 Rev P01 received 16 March 2016  
B\_D\_X01 Rev P01 received 16 March 2016

B\_E\_E01 Rev P01 received 16 March 2016  
B\_E\_E02 Rev P01 received 16 March 2016

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B\_E\_01 Rev P01 received 16 March 2016  
B\_E\_02 Rev P01 received 16 March 2016  
B\_E\_03 Rev P01 received 16 March 2016  
B\_E\_X01 Rev P01 received 16 March 2016  
SE03 Rev P01 received 16 March 2016

B\_F\_E01 Rev P01 received 16 March 2016  
B\_F\_E02 Rev P01 received 16 March 2016  
B\_F\_01 Rev P01 received 16 March 2016  
B\_F\_02 Rev P01 received 16 March 2016  
B\_F\_03 Rev P01 received 16 March 2016  
B\_F\_04 Rev P01 received 16 March 2016  
B\_F\_X01 Rev P01 received 16 March 2016

B\_G\_E01 Rev P01 received 16 March 2016  
B\_G\_E02 Rev P01 received 16 March 2016  
B\_G\_01 Rev P02 received 22 August 2016  
B\_G\_02 Rev P01 received 16 March 2016  
B\_G\_03 Rev P01 received 16 March 2016  
B\_G\_04 Rev P01 received 16 March 2016  
B\_G\_X01 Rev P01 received 16 March 2016

B\_H\_E01 Rev P01 received 16 March 2016  
B\_H\_E02 Rev P01 received 16 March 2016  
B\_H\_01 Rev P01 received 16 March 2016  
B\_H\_02 Rev P02 received 22 August 2016  
B\_H\_03 Rev P01 received 16 March 2016  
B\_H\_04 Rev P01 received 16 March 2016  
B\_H\_05 Rev P01 received 16 March 2016  
B\_H\_06 Rev P01 received 16 March 2016  
B\_H\_07 Rev P01 received 16 March 2016  
B\_H\_X01 Rev P01 received 16 March 2016

B\_J\_E01 Rev P01 received 16 March 2016  
B\_J\_E02 Rev P01 received 16 March 2016  
B\_J\_01 Rev P01 received 16 March 2016  
B\_J\_02 Rev P01 received 16 March 2016  
B\_J\_X01 Rev P01 received 16 March 2016

B\_M\_01 Rev P01 received 16 March 2016  
B\_M\_02 Rev P01 received 16 March 2016  
B\_M\_03 Rev P01 received 16 March 2016  
B\_M\_04 Rev P01 received 16 March 2016  
B\_M\_05 Rev P01 received 16 March 2016  
B\_M\_06 Rev P01 received 16 March 2016

Trees, Landscaping and Access Ramp

D0212\_003\_F Ramp Layout and Station Square - received 12 October 2016  
D0212\_002\_S Landscape Masterplan Hardworks - received 12 October 2016  
D0212\_007\_J Landscape Masterplan Softworks - received 12 October 2016



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D0212\_08 Tree Protection Plan. Existing Site Survey with CP Spaces Added and Typical Hardworks Details within RPA - received 22 August 2016

D0212\_05 B Tree Protection Plan - received 22 August 2016

D00212\_004\_F Detail Sections 1 of 2 - received 12 October 2016

D00212\_005 A Detail Sections 2 of 2 received 16 March 2016

D00212\_01 A Tree Survey and Site Constraints Plan - received 16 March 2016

Email from Savills sent on 22 August 2016 containing details of planting methods.

### Refuse

MP\_06 Rev P01 Proposed Services and Refuse Strategy - received 18 May 2016

13-066-104 B Refuse Strategy - received 9 June 2016

SK\_226 Residential and Commercial Refuse Collection Strategy - received 18 May 2016

### Shell Plans

MP\_16 Rev P02 received 9 June 2016

MP\_17 Rev P02 received 9 June 2016

MP\_18 Rev P02 received 9 June 2016

MP\_19 Rev P02 received 9 June 2016

MP\_20 Rev P02 received 9 June 2016

MP\_21 Rev P02 received 9 June 2016

### Other

SK\_221 Pedestrian, Cycle and Vehicular Movement through site - received 12 October 2016

MP\_14 RevP01 Site Levels – received 18 May 2016

SK\_224 Indicative Public Art Strategy – received 9 June 2016

13-066/103 Rev A Coach Parking and Turning received 9 June 2016

MP\_29 Network Rail Access – received on 16 March 2016

### Documents

Reptile Survey February 201

Preliminary Ecological Appraisal February 2016

Energy Strategy February 2016

Sustainability Statement February 2016

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

### 3. Spoil removal

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

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;

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- (d) Include timescales for the depositing/removal of spoil.

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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### 4. Translocation of slow worm and receptor site enhancement

No development shall take place until a Reptile Translocation and Receptor Site Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should identify how the proposed mitigation and enhancement measures are to be maintained, monitored and secured for the long-term.

The approved Strategy will be implemented in full in accordance with a timetable of works included within the Strategy and maintained thereafter.

Reason: To ensure the protection of slow worm species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### 5. Ecological Management Plan

No development shall take place until a detailed Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan will include details of all the proposed ecological features outlined in the paragraph 6.12 of the submitted 'Preliminary Ecological Appraisal and paragraphs 6.73 and 6.74 of the 'Planning Statement' ', including:

- a) Living roofs – details to include total area covered, location and type of living roof;
- b) Bird and bat boxes – details to include location, type and number of boxes;
- c) Wildlife friendly landscaping – details to include locations and species mix/density;
- d) Living wall/trellis system – details to include locations and species mix/density.

The Ecological Management Plan should identify how the above measures are to be maintained, monitored and secured for the long-term.

The approved Ecological Management Plan will be implemented in full and maintained thereafter.

Reason: To provide suitable provision of compensatory habitat to ensure continued ecological connectivity along the railway line, and provide for loss of bat and bird foraging and invertebrate habitat. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS17 of the West Berkshire Core Strategy (2006-2026).

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### 6. Archaeology - WSI

No development (excluding demolition, but including earth-moving operations, excavation works, and permanent changes to any land-form), 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 to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. 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).

### 7. Contamination – Site characterisation

No development (excluding demolition, but including earth-moving operations, excavation works, and permanent changes to any land-form) shall take place until a scheme to assess the nature and extent of any land contamination of the site (whether or not it originates from the site) has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be completed as part of this scheme. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted. The report of the findings shall include:

- (a) A survey of the extent, scale and nature of contamination;
- (b) An assessment of the potential risks to:
  - i. human health,
  - ii. property (existing and proposed) including buildings, pets, and service lines and pipes,
  - iii. adjoining land,
  - iv. groundwater and surface water,
  - v. ecological systems,
  - vi. archaeological sites and ancient monuments; and
- (c) An appraisal of remedial options, and proposal of the preferred option(s).

This report shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 8. Contamination – Remediation Scheme

No development (excluding demolition, but including earth-moving operations, excavation works, and permanent changes to any land-form) shall take place until a remediation scheme for any land contamination has been submitted to and approved in

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writing by the Local Planning Authority. The scheme shall:

- (a) Provide for the removal of unacceptable risks to human health, buildings and other property, and the natural and historical environment;
- (b) Ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
- (c) Detail proposed objectives and remediation criteria, all works to be undertaken, a timetable of works, and site management procedures; and
- (d) Include measures for the monitoring and maintenance of the long-term effectiveness of the remediation over a period agreed in writing with the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 9. Remediation Scheme implementation

The remediation scheme for land contamination approved under Condition 8 shall be implemented in full in accordance with the timetable of works thereby approved. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of the remediation scheme. Following the completion of the measures identified in the approved remediation scheme (except those for the long-term monitoring and maintenance), no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 10. Unexpected contamination

In the event that any previously unidentified land contamination is found at any time during the carrying out of the development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 7, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Condition 8. The investigation and risk assessment, and any remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground

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conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 11. Piling

No development (excluding demolition and site clearance) shall take place until details of piling or any other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority.

Approval will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not lead to the contamination of groundwater in the underlying aquifer in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 12. Internal Noise

Prior to the occupation of the residential units hereby approved, details regarding the specification of the glazing and ventilation to be installed at residential properties shall be submitted to and approved in writing by the Local Planning Authority. The glazing and ventilation should ensure that internal noise levels in living rooms and bedrooms meet the 'good' resting and sleeping conditions as set out in Table 5 of BS8233:1999.

Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect residents from road and rail traffic noise. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### 13. Construction noise

No demolition or construction works shall take place outside the following hours:  
7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;  
No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers during the construction phase of the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### 14. Operational Noise

All plant, machinery and equipment installed or operated in connection with the uses hereby approved shall be so enclosed and/or attenuated that sound emitted does not exceed at any time a level of 5dB[A] below the existing background noise level [or

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10dB[A] if there is a particular tonal quality] when measured at a point one metre external to the nearest residential or noise sensitive property.

Reason: To ensure that no nuisance or disturbance is caused to the occupiers of neighbouring properties. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### 15. Deliveries and servicing

No deliveries shall be taken in or dispatched from the commercial units hereby approved outside the hours of 0600 – 2300.

Reason: To protect residents living close to or above commercial units from noise from deliveries. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### 16. External eating and drinking (A3 and A4 uses)

External areas provided for eating and drinking shall not be used outside the hours of 0700 and 2300 (times to be agreed)

Reason: To protect residents from noise arising from people eating and drinking in the vicinity of residential properties. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### 17. External lighting

Prior to the installation of any external lighting, details of the external lighting (to include type, lamination levels and location) shall be 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 residents living on or near the application site from light nuisance. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### 18. Odour from A 3 and A4 units

The use of any A3 or A4 units shall not commence until details of ventilation and filtration equipment to be installed at the premises has been submitted to and approved in writing by the Local Planning Authority.

The approved equipment shall be installed and be in full working order prior to the commencement of use. Details to include outlet height, which in general should be at least 1m above ridge height of the nearest building.

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Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from the cooking operations on A3 and A4 premises. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. When the location of premises with A3 and A4 uses is confirmed the applicant shall submit details of the equipment to the local planning authority for written approval prior to commencement of the development. The approved equipment shall be installed and be in full working order prior to the commencement of use. Details to include outlet height, which in general should be at least 1m above ridge height of the nearest building.

Reason: To protect the amenity of local residents. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### 19. Arboricultural method statement

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.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 20. Tree Protection (scheme submitted)

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) D0212\_08 & D0212\_05 B received on 22<sup>nd</sup> August 2016. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### 21. Arboricultural supervision condition

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.

Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the

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objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **22. Arboricultural Programme of Works**

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 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 ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **23. Soft Landscaping (scheme submitted)**

All soft landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing number D0212\_007\_I received on 22<sup>nd</sup> August 2016 and email from Savills dated 22<sup>nd</sup> August 2016, containing details of planting methods. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

### **24. Energy/sustainability measures**

No development shall take place (excluding demolition and site clearance) until full details of how the energy reduction measures outlined in the submitted Energy Strategy dated February 2016 are to be implemented have been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, the number, type and location of the solar photovoltaic panels.

The energy reduction measures shall thereafter be implemented, maintained and managed in accordance with the approved details and manufacturers specifications.

Reason: To ensure that the low carbon energy generation measures outlined in the Energy Strategy are provided in full and to ensure that the photovoltaic panels do not cause any harm to the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14, CS15 and CS19 of the West Berkshire Core Strategy (2006-2026).



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### 25. Foul and surface water disposal and SuDs

No development, excluding site clearance and demolition, shall take place until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water.

The strategy shall:

- a) Demonstrate that there is sufficient capacity available in the existing system to cope with the new development;
- b) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- d) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse as close to Greenfield run-off rates as is reasonably practicable;
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change, these calculations shall ensure that the existing Thames Water surface water system has sufficient capacity;
- g) Provide details of where surface water will flow during exceedance events;
- h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- i) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- j) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- k) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- l) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
- m) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- n) Full details of the pumping system and how surface water will be managed in the event of pump failure.

No dwellings or commercial units hereby permitted shall be occupied, and no discharge of foul or surface water from the site shall be accepted into the public system, until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. This condition is imposed in

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accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy (2006-2026) which seek to ensure the creation of safe communities.

### 26. Secured by Design

No dwellings or commercial units hereby permitted shall be occupied until details of how Secured by Design requirements are to be adequately achieved for the whole development, where practicably possible. The approved details shall be carried out prior to first occupation of the development hereby permitted and permanently maintained thereafter.

Reason: To ensure a safe and secure environment for the users of the development in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026) which seek to ensure the creation of safe communities.

### 27. Hard standing

No development, excluding site clearance and demolition, shall take place until details, to include a plan, indicating 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 hard surfacing shall incorporate the use of a porous material. The hard surfacing shall be completed in accordance with the approved scheme before the building(s) hereby permitted are occupied in accordance with a timetable to be submitted to and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The approved hard surfacing shall thereafter be retained.

Reason: To ensure that the hard standing materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Newbury Town Design Statement (April 2005).

### 28. Boundary Treatments

No development, excluding site clearance and demolition, shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority (in consultation with railway undertaker where it relates to fencing that adjoins the railway undertaker's land). The boundary treatment shall be completed in accordance with the approved scheme before the buildings hereby permitted are occupied.

The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning

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Document Quality Design (June 2006) and the Newbury Town Design Statement (April 2005).

### 29. Shopfronts

No commercial unit shall be occupied until full details of the design and external appearance of the shop front(s), including the fascias, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: The application does not contain sufficient details of the shop fronts to enable the Local Planning Authority to give proper consideration to those matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Guidance 'Shopfronts'.

### 30. Materials

No development, excluding site clearance and demolition, shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Newbury Town Design Statement (April 2005).

### 31. Construction method statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with the railway undertaker). 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 demolition and construction;
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works;

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Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

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 CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

### 32. Excavation/Earthworks

No development shall take place until full details of excavations and earthworks to be carried out within 10 metres of the railway undertaker's boundary fence have been submitted to and approved in writing by the Local Planning Authority (in consultation with the railway undertaker).

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of adjoining land uses. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### 33. Car Parking Strategy

No development shall take place until a Car Parking Strategy for the construction phase of development has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include:

- a) Details of the operation of West Berkshire District Council office parking during construction;
- b) Details of the operation of Network Rail parking during construction;
- c) Details of the parking of vehicles of site operatives and visitors during construction.

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

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 CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

### 34. Parking Management Strategy for the MSCP

No part of the development shall be taken into use until a Parking Management Strategy for the multi storey car park has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Strategy shall include the following:

- a) a) Details of the number and location of car parking spaces within the multi storey car park for all the users of the car park.
- b) b) Details of the time period between which residents of the scheme can use the car park spaces allocated under (a).

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c) Details of the entry/exit arrangements for all users of the car park.

Thereafter the development shall incorporate and be undertaken in accordance with the approved strategy.

Reason: To ensure the development is provided with adequate parking facilities for all users within the scheme, 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), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the West Berkshire Council Housing Site Allocations DPD.

### 35. Water capacity

No development, excluding site clearance and demolition, shall take place until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy (2006-2026) which seek to ensure the creation of safe communities.

### 36. Public art strategy

No dwelling or commercial unit hereby approved shall be occupied until details of a unique site specific integrated scheme of Public Art (including timescales for the installation of the scheme) to be implemented within the development site has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the Artwork shall be installed in accordance with the details and timescales so agreed.

Reason: To protect the character, distinctiveness and visual amenity of the site and the surrounding locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Newbury Town Design Statement (April 2005).

### 37. Signage details

No dwelling or commercial unit hereby approved shall be occupied until details of signage relating to Wayfinding and pedestrian and cycle access routes on the site and linking to key areas external to the site has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

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Reason: To ensure the development provides clear signage for these routes that meets the required regulations and guidance on pedestrian and cycle access and links with other Wayfinding signs within the local area. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy (2006-2026) and policies LTP AT1, LTP AT2, LTP PT6 and LTP K3 all of the Local Transport Plan for West Berkshire (2011-2026).

### 38. Details of railings alongside ramp

No dwelling or commercial unit hereby approved shall be occupied until details of the railings to be installed in connection with the shared use ramp, linking the development with the Railway Station forecourt area, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the shared use ramp is delivered with suitable railings that ensure the safety of users, particularly on the bend. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy (2006-2026) and policies LTP AT1, LTP AT2, LTP PT6 and LTP K3 all of the Local Transport Plan for West Berkshire (2011-2026).

### 39. Electric charging points

No development, excluding site clearance and demolition, shall take place until details of the location of electric car charging points and associated infrastructure have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the development provides for the use of ultra low emission vehicles by users of the development. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD and policies LTP SC3, LTP P3 and LTP K5 all of the Local Transport Plan for West Berkshire (2011-2026).

### 40. Refuse collection – Block G and H

No development, excluding site clearance and demolition, shall take place until details of refuse and recycling collection points for Blocks G and H have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling collection points shall be no more than 10 metres from the point at which a collection vehicle can safely stop.

Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure that the Council's waste contractors are able to safely collect private refuse and recycling from Blocks G and H. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13

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and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### 41. Retaining wall to south of site

No development (excluding demolition, but including earth-moving operations, excavation works, and permanent changes to any land-form) shall take place until details of all works and treatment to the retaining wall at the back of the existing Network Railway car park (which runs alongside Station Approach Road) have 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 ensure that the treatment of the retaining wall responds to local character and to ensure the safe operation of Station Approach in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy July 2006-2026.

### 42. Layout and Design Standards

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. The road and footpath design should be to a standard that is adoptable as public highway. 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. 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).

### 43. Market Street Highway works

No development, excluding site clearance and demolition, shall take place until details within Market Street of a westbound bus lay-by with two bus stops, an eastbound bus lay-by with one bus stop, associated bus shelters and road markings, removal of redundant turn right lane; works to the access road fronting the West Berkshire Council offices have been submitted to and approved in writing by the Local Planning Authority. The works shall be constructed in accordance with a timetable / programme of works to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. Any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway shall be relocated to provide unobstructed footway/cycleway.

Reason: In the interest of providing bus stops serving the proposal and accommodating access. 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).

### 44. Parking/turning in accord with plans

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No part of the development shall be taken into use until the associated 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).

### 45. Cycle parking

No part of the development shall be taken into use until the associated cycle parking has been 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. 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).

### 46. Refuse Storage (details required)

No development, excluding site clearance and demolition, shall take place until details of the provision for the storage of refuse and recycling materials for the development/dwellings have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be taken into use until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### 47. Access construction (plans required)

No development, excluding site clearance and demolition, shall take place until details of all access roads into and within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be taken into use until the access roads 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).

### 48. Details of door openings



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No dwelling or commercial unit hereby approved shall be occupied until details of ground floor external door openings have been submitted to and approved in writing by the Local Planning Authority, and no doors shall open outwards onto pedestrian areas. All buildings shall be provided in accordance with the approved drawings.

Reason: In the interest of pedestrian 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).

### 49. BREEAM

No commercial unit shall be occupied until a final Certificate has been issued, and a copy submitted to the Local Planning Authority, certifying that BREEAM Very Good has been achieved for the development.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD (Part 4).

### 50. Waiting Restrictions

No dwelling or commercial unit hereby approved shall be occupied until a scheme for vehicle waiting restrictions on the access roads within the development has been submitted to and approved in writing by the Local Planning Authority. Prior to adoption of the access roads within the development, the developer shall implement the scheme and provide all appropriate signage and line markings.

Reason: 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).

## INFORMATIVES

### 1. CIL

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### 2. Decision

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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.

### 3. Infiltration drainage

No Infiltration drainage should be installed in any area where contamination is known/suspected.

### 4. Construction Noise

The applicant is advised to apply for prior consent under s.61 of the Control of Pollution Act 1974 to ensure that best 'practicable means' are adopted to minimise construction site noise. Further details are available from the Environmental Health Environmental Quality team

### 5. Surface Water

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

### 6. Fat traps

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

### 7. Public sewers

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

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### Petrol/oil interceptors

Thames Water recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

### 8. Mains Water

There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

### 9. Requirements for the safe operation of the railway and the protection of Network Rail's adjoining land

#### Fencing adjacent to Network Rail land

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

#### Drainage

Soakaways / attenuation tanks as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Storm/surface water must not be discharged into Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

#### Safety

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no

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debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

### Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### Excavation/Earthworks

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

### Signalling

The proposal must not interfere with or obscure any signals that may be in the area.

### Trees

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

### Plant, Scaffolding and Cranes

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

### Party Wall

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996.

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Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for the costs. An applicant cannot access Network Rail without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable to all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.

### **Method statement/Fail Safe/Possessions**

Method statements may be required to be submitted to Network Rail's Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.

### **Lighting**

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

### **Safety Barrier**

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

### **Foundations**

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

### **Ground Disturbance**

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations

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applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

Network Rail vehicular access to the south of the MSCP

Vehicular access for Network Rail should be maintained along the southern side of the proposed multi storey car park.

### Alternative Recommendation

If the Section 106 Legal Agreement is not completed by 31<sup>st</sup> December 2016, to **DELEGATE** to the Head of Planning and Countryside to **REFUSE PLANNING PERMISSION** for the following reason, or to extend the period for completion if it is considered expedient to do so:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of development on local infrastructure, services or amenities or provide for affordable housing. Specifically, a s106 legal agreement or other planning obligation has not been entered into in respect of securing an employment skills plan, a travel plan, affordable housing, a requirement for private housing to remain available to rent only for a period of 10 years, to ensure appropriate waste collection from Blocks G and H, a viability review clause and a highways financial contribution. These are all measures considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. The development therefore fails to comply with the National Planning Policy Framework, Policies CS5, CS6 and CS13 of the West Berkshire Core Strategy 2006-2026, which seek to ensure the timely delivery of infrastructure made necessary by development (CS5), to secure affordable housing (CS6) and to ensure appropriate highways mitigation (CS13), as well as West Berkshire District Council's adopted Planning Obligations SPD.

### 39. Application No. and Parish: 16/01489/OUTMAJ Land at Coley Farm, Stoney Lane, Cold Ash

*(Councillor Hilary Cole declared a personal interest in Agenda Item 8 by virtue of the fact that she was the Portfolio Holder for Planning and Housing and also the Chairman of the District Planning Committee. As her interest was personal and not a disclosable pecuniary interest, she determined to remain to take part in the debate but not vote on the matter.)*

*(Councillor Paul Hewer declared a personal interest in Agenda item 8 by virtue of the fact that he was employed by a social housing provider. 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 Hilary Cole, James Cole and Edwards declared that they had been lobbied on this application.)*

1. The Committee considered a report (Agenda Item 8) concerning Planning Application 16/01489/OUTMAJ in respect of the erection of 75 dwellings with associated access and landscaping with open space improvements at Coley Farm, Stoney Lane, Cold Ash.
2. In accordance with the Council's Constitution, Bernard Clark, Parish Council representative, Victoria Koroleva and Keith Benjamin, objectors, and Mark

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- Norgate, Rebecca Humble, Ben Thomas and Glenn Charles, applicant/agents, addressed the Committee on this application.
3. Michael Butler introduced the report and update report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers strongly recommended the Committee grant planning permission
  4. Councillor Hilary Cole queried which settlement boundary the application related to. Michael Butler responded that the application was outside of Newbury's settlement boundary. Councillor Hilary Cole stated that the settlement boundary was redefined by the Housing Sites Allocation Development Plan Document (HSA DPD) and asked whether the site would be inside or outside. Michael Butler advised that the definition of the settlement boundary was a separate process to the DPD.
  5. Councillor Paul Bryant noted that the consultation response from the Fire Service had been abbreviated in the committee report. The original letter raised a concern that there were no public mains. Councillor Bryant asked whether this was a planning matter or the responsibility of Thames Water to rectify. Michael Butler explained that an application was unlikely to receive permission if it could not be safely implemented and that was why authorities such as the Fire Service and Thames Water were consulted. Thames Water had responded that the water infrastructure capacity was adequate. Councillor Bryant queried the disparity between the two responses; Michael Butler offered reassurance that any planning permission could not be implemented until there was suitable fresh and waste water infrastructure.
  6. Councillor Jeff Beck raised a query regarding a reference to an LVIA on page 277 of the agenda. Michael Butler explained that a Landscape Visual Impact Assessment (LVIA) had been completed for the amended plans and the consultant's response was outlined in the update report.
  7. Councillor Beck sought clarification on where collected water would be released into main water courses, noting drainage issues on Fir Tree Lane and whether engineers were satisfied that the bunds on the proposed site would be sufficient. Stuart Clark responded that officers were satisfied that the site included sufficient bunds to hold rain water on site. The Flood Risk Assessment had calculated the run off and volume in accordance with the technical standards for sustainable drainage and climate change. All water associated with a 1:100 flood event, plus 40% to account for climate change could be stored on site. There would be an outlet which released the stored water at the greenfield rate into the water course; the River Lambourn. Overall, engineers were satisfied that that the proposals would ensure that the development was safe and it would not increase risk elsewhere.
  8. Councillor Beck questioned the morning peak hour traffic movement calculations of 29 cars during 8am and 9am and stated that he did not believe there would be only a 3% increase in traffic on the B4009. Councillor Beck further raised the point that roundabouts along Kiln Lane were already pressured. Paul Goddard responded that the figures provided were projections produced by modelling software which was connected to a national database. The projections were in line with all residential developments and covered only 8am to 9pm, not all morning traffic movements. The National Planning Policy Framework (NPPF) guidance stated that a development should only be refused if the likely impact on traffic was

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severe. Paul Goddard stated that he did not advise that a 3% increase in traffic was a severe impact.

9. Councillor Beck enquired upon the content of the Travel Plan. Paul Goddard advised that the applicant would need to provide that information.
10. Councillor James Fredrickson queried the statement at paragraph 5.2 of the committee report that Stoney Lane would be widened to a minimum of 5.5m. Michael Butler explained that at points, Stoney Lane was wider than 5.5m so the parts which were narrower than 5.5m around the proposed development would be widened to that minimum standard.
11. Councillor Anthony Pick noted that at the site visit he had observed a substantial slope from West to East and that there was a ditch along the highway. He asked how the water from the highway would be managed once the ditch had been lost as part of the road widening. Stuart Clark explained that there was a condition attached to the recommended permission that the water run-off from Stoney Lane would need to be assessed and accommodated within the site's drainage scheme.
12. Bernard Clark, in addressing the Committee raised the following points:
  - The Parish Council was unanimously against the proposal due to its impact on the countryside, inadequate access, flooding risk and its unsustainability.
  - The proposed development was in contravention of Cold Ash Parish Council's Parish Plan.
  - The Parish Council understood the need to identify sites for housing and in its Parish Plan had located in-fill sites for 60 houses.
  - There was a nearby site at Henwick for which there had been an application for 225 houses.
  - The proposed development would see 75 houses being built on a site the size of four football pitches, in his view a city level of density.
  - There were not the shops, schools or General Practitioners in the area to support the residents of 75 new dwellings.
  - The slope of the site was 1:10.
  - There would be 130-140 cars associated with the new houses, 80-90 of which would use Stoney Lane at peak times.
  - Stoney Lane was a single carriageway at 10 points.
13. At the Chairman's request, Michael Butler clarified that on the Henwick site there was an application for 275 dwellings, reduced to 225 in the amended plans; this application had been refused and was being heard at a public inquiry. An identical application had been submitted and was likely to be refused under delegated authority.
14. Councillor Adrian Edwards asked whether the Parish Plan indicated the location of the preferred sites for housing and if it had been approved by West Berkshire Council. Mr Clark responded that it demonstrated where housing was earmarked and the Plan had been approved by the Council.
15. Victoria Koroleva and Keith Benjamin, in addressing the Committee raised the following points:



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- The application was not in line with the Council's own policies. HSA3 had stated there would be one access on Stoney Lane and one to the South East of the site, not two on Stoney Lane.
  - The proposals would increase the number of accidents and place the existing 140 households on Stoney Lane at risk.
  - The highway widening would remove established hedgerows over 100 years old.
  - If the application was approved lives would be lost.
  - Between 8am and 9am there was often a 45 minute queue.
  - 500 residents had signed a petition and the Parish Council objected, in addition to the letters of objection received by the Council.
  - The development would harm the visual appearance of the area.
  - There was not sufficient traffic mitigation and the development would worsen traffic by urbanisation.
  - It was not clear who would maintain the drainage system in the long term.
  - The open site within the site was not sufficient or adequate.
  - Residents had raised objections throughout the call for sites and development of the DPD. A lot of people felt the development would have an adverse effect on the local area.
16. Councillor Beck sought more information on the objectors' views of the proposed access to the site. Ms Koroleva explained that in HSA3, it had been stated an additional access to the south east of the site was required, now there would be two hazard points on Stoney Lane. Michael Butler advised that in the Local Plan, sites were allocated but were not completely analysed. HSA3 offered a suggestion but not a requirement that there should be a south easterly access to Laud Close. While officers agreed it would be appropriate to have an access at that location, it was under third party ownership and to obtain the land required it would cost 30% of the Gross Development Value. Therefore if the south east access was insisted upon there would be no affordable housing.
17. Councillor Edwards sought clarification on the location of the open space. Michael Butler advised that it was outside of the application site and the Council sought a Section 106 contribution to improve an existing area of open space. Officers were satisfied that there was sufficient open space in the site.
18. Councillor James Cole asked what justification the objectors had to refer to Stoney Lane as dangerous. Ms Koroleva responded that it was a single track with obscured visibility used by drivers, horse riders and walkers. There had been five accidents in five months. Paul Goddard commented that officers agreed that the lane in its current form was not suitable, hence the widening proposed.
19. Mark Norgate, Rebecca Humble, Ben Thomas and Glenn Charles, in addressing the Committee:
- The developer was a Newbury based company and had owned the site since 2003.
  - They had followed the Council's processes by submitting it under the HSA DPD's call for sites and had waited to submit the application until the DPD was at an advanced stage.

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- The committee report outlined that substantial weight could now be afforded to the Council's emerging DPD.
  - The developer had consulted officers from Planning, Highways, Drainage and Open Space in designing the scheme.
  - They had responded positively to consultees and members of the public.
  - The development was 40% affordable housing and would help the Council achieve its housing supply target.
  - Circular walkways around the site would connect areas of open space and existing trees would be preserved.
  - Existing open space would be improved.
  - They had worked with Highways to find a solution to provide safe access to the site in a way which retained the character of the area and reinforced the existing hedgerow.
20. Councillor Bryant asked whether the applicant had consulted Thames Water. Mr Norgate responded that their consultants did this on the developer's behalf as they needed to know before submitting an application that it would be possible to build the development. Mr Norgate also stated that there would be fire hydrants on the site.
21. Councillor Bryant enquired whether it was intended to use sprinklers on the site. Mr Norgate advised that this would be considered under the detailed design.
22. Councillor Beck asked what was intended for the Travel Plan. Mr Thomas advised that it had not yet been drafted but would include cycle parking and the footway would link to the residential area to the South.
23. Councillor Pick enquired how the drainage system would work. Michael Butler reminded the committee that before them was an outline application and a number of predevelopment conditions were recommended which would deal with the reserved matters. All bodies would be consulted about the further detail submitted and if officers were not satisfied that the reserved matters were dealt with appropriately they would not recommend their approval. It was unfair to ask technical questions of an outline application and the development would not be built if or until the conditions were discharged appropriately.
24. Councillor Edwards noted that there was no information on a wildlife survey in the committee report. Mr Norgate advised that an ecological survey was completed as part of the DPD process. Michael Butler advised that Natural England had been consulted and raised no objections.
25. Councillor Garth Simpson, speaking as Ward Member, in addressing the Committee raised the following points:
- The site was a late shoe-in to the DPD call for sites and the proposal would burst open HSA3 and the associated main modifications.
  - The site was 0.6 to 0.8 hectares in size, wet year round and only suitable for dog walking.
  - The proposal was a Trojan horse to a further application in the area.
  - Street lighting would urbanise the development.

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- Slides 1 to 14 of the committee presentation demonstrated the sites position in the countryside and its beauty.
  - A resident of Stone Copse for 39 years, he would have to factor in half an hour to travel the 2.7m to the Council's offices with an extra 15 minutes in times of congestion.
  - There was a flooding risk and this was experienced in 2007.
  - The Met Office was warning of another event in 10 years.
  - The flood mitigation conditions needed to be determined at the outline stage; there should be a robustly maintained larger pond.
  - There were issues with the transport assessment and it was not compliant with government guidance.
  - Coley Farm was remote and the Travel Plan was delusional.
  - The Kiln Road roundabout was stressed and the Council recognised that it was badly configured. It was currently at 89% capacity and the proposed development would increase that by 3%.
  - More houses would lead to injuries. Decision makers would have blood on their hands if they took the moral hazard and approved the application.
  - He would like a named vote on the application.
26. Councillor James Cole asked to see the presentation slides that had been referred to. Councillor Simpson indicated slide 7, which demonstrated the area north of Cold Ash was the same quality as the Area of Outstanding Natural Beauty (AONB) but did not receive the privileges of being AONB. Michael Butler explained that the AONB was designated in 1973 and if the site had been of AONB quality it would have been designated as such in the original designation or via an amendment.
27. Councillor Fredrickson asked what particular concerns residents had come forward with regarding the traffic impact. Councillor Simpson replied that a 3% increase in traffic took the capacity of the Kiln Road roundabout to 92% which was just shy of a severe rating. The traffic assessment was completed on the basis of no additional sites in the area. Traffic from Compton and Bucklebury would all use the B4009 to access Newbury.
28. Councillor James Cole asked whether Councillor Simpson was satisfied with the sustainability analysis. Councillor Simpson responded that he did not agree with the key destinations used in the traffic modelling and the gradient was outside the Department for Transport guidance for cycling.
29. Councillor Edwards, noting that Councillor Simpson had lived near to the site for 39 years, asked whether he thought flood water would run off the road onto the development site. Stuart Clark advised that there was a condition in the update sheet to ensure the development managed that run off water effectively.
30. Councillor Pick asked for the road traffic accident (RTA) statistics in the area. Paul Goddard explained that the official statistics were provided by Thames Valley Police and although the DfT recommended a 3 year history, officers had considered 5 years of history. Incidents were not recorded as an RTA if there was no personal injury. There were no RTAs resulting in personal injury on Stoney Lane in the preceding 3 years. There were 5 RTAs resulting in slight personal injury on the B4009 mini roundabout in the preceding 5 years but this was not unusual for any junction and often caused by drivers making poor choices.

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Officers did not deny that there was already congestion on the B4009 but advice remained, in accordance with the NPPF, that the impact on traffic in the area would not be severe.

31. Councillor Hilary Cole noted that the site was in the DPD and was passed by a majority on 5 November 2015.
32. Councillor von Celsing stated that whilst she appreciated the site was in the DPD she did not like the application. She travelled to the site visit south along Stoney Lane and had to stop and reverse to allow cars to pass. Councillor von Celsing expressed the view that the lane was unsuitable and there would be little open space on the site. She knew that houses were needed and she knew it was in the policy but thought it was a horrible site.
33. Councillor Fredrickson queried whether there was a variance in the statistics and if it might be possible the impact on traffic in the area had been underestimated. Paul Goddard responded that the projected impact was based on the planning application and traffic survey completed in November and December 2015. Traffic modelling was based on growth over 5 years and committed developments.
34. Councillor Beck noted that this would be the last opportunity to be satisfied the drainage and its maintenance was adequately addressed. Stuart Clark advised that the conditions stipulated the requirement for the developer to submit a maintenance plan to cover the lifetime of the drainage system and the responsible party. The Flooding and Waste Management Act 2010 meant that the Local Authority had to place any water retaining feature on a register which recorded what management would be required and engineers from the Local Authority would inspect the feature. There would also be an option to designate the feature so that it would be an offence to damage or alter it. Councillor Beck asked if the responsible party went bust, what powers the Council would have to complete the works and back charge for them. Stuart Clark responded that he expected that a management company would act on behalf of the residents unless the feature was adopted by the Council.
35. Councillor James Cole stated that he supported Councillor von Celsing's views and stated that computer models were tools but did not replace lived experience of traffic congestion in the area. His view was that nothing good could come of permitting the development and the site should not have been included in the DPD.
36. *The Committee adjourned at 9.45pm and reconvened at 9.46pm.*
37. Councillor Hilary Cole explained that the meeting was adjourned because Michael Butler sought her permission to summarise the application at the end of the debate. Councillor Hooker advised that he had already agreed to this as the Committee's Chairman. Members of the Committee expressed frustration at this interruption to the meeting.
38. Councillor Hooker proposed that the Committee continue the meeting past 10pm in accordance with Rule 7.6.2 of the Council's Constitution . This was seconded by Councillor Hilary Cole and carried by a majority at the vote with one abstention.
39. Councillor Bryant stated that he agreed with Councillor Simpson that the site was in lovely countryside but stated that Sandleford and other DPD sites also were. Other sites might also have traffic issues. Councillor Bryant expressed concern that if the Committee refused the application on the grounds of traffic and countryside, they could be saying they would turn down another 20 or 30 sites. There was a population pressure and the Council needed to ensure the delivery of

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housing against its quota. Councillors had spent hours debating the sites in designing the DPD and it would be a considerable problem if they backed down from those decisions.

40. Councillor Bryant proposed that the Committee accept the officer's recommendations to grant planning permission. This was seconded by Councillor Paul Hewer.
41. Councillor Beck stated that he lived near to the site and had no objection in principle to development but the number of houses was excessive and the potential traffic impact was unacceptable.
42. Councillor Fredrickson stated that he understood the wider context of the Council's planning policies and that more information would emerge over time. The level of congestion was close to severe and the Committee should not underestimate the Ward Member's experience.
43. Councillor Pick stated he would be more comfortable if more detailed information was available.
44. Michael Butler summarised that if was officers' strong recommendation that the Committee approve the application. It was a Greenfield site outside the settlement boundary and in ordinary circumstances one house would be refused. It was a Council proposed site and had undergone a lengthy process with an Inspector. Although it was not at a final stage, in accordance with the NPPF, the DPD could now be given substantial weight. An appeal was being heard in the Council Chamber regarding a proposed 500-600 dwelling development in Thatcham and the Council's 5 year housing supply was under debate. If the Committee refused its own allocated site there would be an immediate impact on the Council's ability to defend appeals on the basis of a five-year housing supply. The Council would also be liable for appellants' costs. If the Committee were minded to refuse the application it would be referred to the District Planning Committee.
45. Councillor Hooker invited the Committee to vote on the proposal of Councillor Bryant, as seconded by Councillor Hewer to accept officer's recommendation. At the vote this motion failed with two abstentions from Councillor Hilary Cole and Councillor Pick.
46. Councillor Hooker sought an alternative proposal. Councillor Beck proposed the Committee reject the officer's recommendation and refuse planning permission. This was seconded by Councillor von Celsing. At the vote this motion was carried with two abstentions from Councillor Hilary Cole and Councillor Edwards.

**RESOLVED that** the application should be refused contrary to Officers recommendation and that the matter should be referred to the District Planning Committee because of the policy implications.

### **Reasons:**

- Traffic impact
- Potential SUDS issues
- Landscape impact
- Lack of agreed s106 planning obligation

## 40. **Appeal Decisions relating to Western Area Planning Committee**

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

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*(The meeting commenced at 5.30 pm and closed at 10.10 pm)*

**CHAIRMAN** .....

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