

# Notice of Meeting

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## Western Area Planning Committee

**Wednesday 23 November 2016 at 5.30pm**  
in the Council Chamber Council Offices  
Market Street Newbury

### Members Interests

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

Date of despatch of Agenda: Tuesday, 15 November 2016

### FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

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

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

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

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

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

Any queries relating to the Committee should be directed to Rachel Craggs (01635) 519441 Email: [rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)



**Agenda - Western Area Planning Committee to be held on Wednesday, 23 November 2016 (continued)**

- To:** Councillors Howard Bairstow, Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, Billy Drummond, Adrian Edwards, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing
- Substitutes:** Councillors Jeanette Clifford, James Cole, James Fredrickson and Mike Johnston
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## Agenda

### Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 20  
To approve as a correct record the Minutes of the meeting of this Committee held on 2 November 2016.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).*
5. **Exclusion of Press and Public**  
**RECOMMENDATION:** That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. [Rule 8.10.4 of the Constitution also refers.](#)

### Part II

6. **Application No. & Parish: 16/00547/FULEXT Land at Market Street, Newbury** 21 - 196



## Part I - Continuation of Meeting at 6.30 pm

7. Application No. and Parish: 16/00547/FULEXT Market Street, Newbury 197 - 274

<b>Proposal:</b>	Site clearance, demolition and the erection of 232 dwellings with associated car parking, residents' hub and management office; 816sqm of flexible commercial floor space (Class A1 (retail) / A2 (financial services)/A3 (restaurants and cafes) / A4 (drinking establishments) or B1 (offices)) and a multi-storey car park. Pedestrian access arrangements, hard and soft landscaping and other ancillary development/infrastructure.
<b>Location:</b>	Land at Market Street, Newbury
<b>Applicant:</b>	Grainger Newbury Ltd
<b>Recommendation:</b>	To <b>DELEGATE</b> to the Head of Planning and Countryside to <b>GRANT PLANNING PERMISSION</b> subject to the schedule of conditions (Section 9.1) and subject to the completion of a Section 106 Legal Agreement (Heads of Terms set out at 7.21.4) by 31 <sup>st</sup> December 2016; Or If the Section 106 Legal Agreement is not completed by 31 <sup>st</sup> December 2016, to <b>DELEGATE</b> to the Head of Planning and Countryside to <b>REFUSE PLANNING PERMISSION</b> for the reason set out in Section 9.2, or to extend the period for completion if it is considered expedient to do so.

8. Application No. and Parish: 16/01489/OUTMAJ Land at Coley Farm, Stoney Lane, Cold Ash 275 - 292

<b>Proposal:</b>	Erection of 75 dwellings with associated access and landscaping with open space improvements.
<b>Location:</b>	Land at Coley Farm, Stoney Lane, Cold Ash.
<b>Applicant:</b>	Donnington New Homes.
<b>Recommendation:</b>	<b>The Head of Planning and Countryside be authorised to GRANT conditional planning permission, subject to the first completion of a legal obligation.</b>

### Items for Information

9. Appeal Decisions relating to Western Area Planning Committee 293 - 296  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*

**Agenda - Western Area Planning Committee to be held on Wednesday, 23 November 2016 (continued)**

**Background Papers**

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

Andy Day  
Head of Strategic Support

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



## DRAFT

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

### WESTERN AREA PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY, 2 NOVEMBER 2016

**Councillors Present:** Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, Billy Drummond, Adrian Edwards, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

**Also Present:** Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control), Jo Reeves (Principal Policy Officer) and Matthew Shepherd (Planning Officer)

**Councillor Absent:** Councillor Howard Bairstow

#### PART I

##### 29. Minutes

The Minutes of the meeting held on 21 September 2016 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Item 24, page 5, 4<sup>th</sup> paragraph, 4<sup>th</sup> line: change 'Planning Policy Task Group' to 'Planning Advisory Group'

Item 24, page 5, 4<sup>th</sup> paragraph, 5<sup>th</sup> line: change 'proposal' to 'suggestion' and change 'seconded' to 'supported'.

Item 26 (1), page 7, paragraph 10, 9<sup>th</sup> bullet: change 'and' to 'to' and change 'roof light to' to 'roof light of'.

##### 30. Declarations of Interest

Councillor Paul Hewer declared an interest in Agenda Item 4(2), and reported that, as his interest was a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter.

Councillor Virginia von Celsing declared an interest in Agenda Item 4(2) and (3), but reported that, as her interest was a personal, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

##### 31. Schedule of Planning Applications

###### (1) Application No. and Parish: 16/02277/HOUSE - 36 Church Street, Hungerford

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/02277/HOUSE in respect of 3 Church Street, Hungerford and a replacement garage building to rear of the property.

In accordance with the Council's Constitution, Mr Ben Hutchins, objector, and Mr Kevin Brearley and Mr David Moore, applicant and agent, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. Permission was sought to

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replace the single storey garage buildings with a triple garage with workshop/garden room, and a home office above. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers strongly recommended the Committee grant planning permission.

Councillor Anthony Pick recalled that the Committee had visited a neighbouring property on the site visit and enquired what the distance from the proposed garage that property was; Derek Carnegie responded that it was 15m.

In response to a query from Councillor Adrian Edwards, Derek Carnegie indicated that the Conservation Officer's comments were on page 18 of the agenda.

Councillor Hilary Cole noted that the application had come before the Committee for determination due to the number of objections. She advised that she had read the 23 letters of objection and was disappointed that only three had provided the name and address of the objector. For a minor application, the level of objection was extreme so she should like to know where the other twenty objectors lived.

Councillor Paul Bryant sought clarification on the positioning on the proposed garage in relation to the road.

Mr Hutchins in addressing the Committee raised the following points:

- He was the resident at 1 Oaks Court, which had been visited by the Committee on their site visit.
- He welcomed the plan to replace the garage but objected to the proposed two storey garage which would be overbearing.
- He was concerned that other garages could be converted and lead to further development on the byway.
- This plan was no different to the plan which was withdrawn the previous year due to its scale, bulk and impact.
- The windows of the guest suite would overlook his property and garden.
- The proposed garage would front directly onto a road.
- The proposal would have an unacceptable impact on his privacy and was not inkeeping with the single storey garages in the area.
- The Council's own policies stated there should be a distance on 21m between facing windows.
- The application proposed a change of use to living space.
- His right to privacy was protected by the Human Rights Act and local and national planning policies.

In response to a query from Members, Derek Carnegie advised that officers had considered the potential impact of the windows and believed the proposal sufficiently addressed any concerns.

Councillor Cole stated that Mr Hutchins' had the only property which would be directly effected by the proposed garage and asked what he knew of the other objections. Mr Hutchins responded that the other objectors had raised parking issues. Councillor Paul Hewer noted that the proposed garage would provide three parking spaces off the road and asked whether this would allay their fears. Mr Hutchins responded that there was already a problem in the area as emergency and refuse vehicles were not able to access

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the area but they were able to previously. Councillor Bryant supposed that the objectors were concerned that other garages in the area might be converted into dwellings.

Mr Brearley (Applicant) and Mr Moore (agent) in addressing the Committee raised the following points:

- Mr Brearley was surprised that the application had received 23 objections but he had changed the plans to address those concerns.
- He had adult children and required extra parking space.
- The current garage was an eyesore and unusable due to damp and asbestos.
- He was a designated home worker and required suitable working space.
- The application included secure parking and was essentially a single storey building with a converted loft space.
- They had been mindful of quality in designing the garage and had sought to ensure it was subservient to the area.

Councillor Billy Drummond asked whether the garage was intended to be used for storage space. Mr Brearley confirmed that he intended to use it to store cars.

Councillor Pick asked whether Mr Brearley would be amenable to accepting a condition to obscure the glazing of the rooflights. Mr Brearley advised that he would be disappointed if the Committee chose to apply such a condition as the windows did not directly overlook the neighbouring property.

Councillor Paul Hewer, speaking as Ward Member in addressing the Committee raised the following points:

- He had sympathy with any objector.
- The Committee should be mindful of setting precedence.
- This application was more sympathetic to the area than a neighbouring garage.

Councillor Pick asked for Councillor Hewer's view on the distance between the proposed garage's windows and those of the objector's property. Councillor Hewer advised that he would be concerned if it was the gable end but did not imagine that there would be significant overlooking from a Velux window.

Councillor Garth Simpson asked whether, if the Committee allowed the application, a precedence might be set regarding the size of garages to the east of the property. Councillor Hewer responded that there was a mismatch of garages in the area.

Councillor Cole stated that 1 Oaks Court would overlook the garage just as much as the garage would overlook 1 Oaks Court.

Councillor von Celsing, in commencing the debate expressed the view that the garage was a nice design and an improvement to the area. She did not see merit in imposing a condition to have obscured glazing. Councillor von Celsing proposed that the Committee accept officer's recommendation to grant planning permission.

Councillor Bryant in seconding the proposal commented that he did not think it would effect parking in the area and the feared overlooking did not carry much weight as they were angled down the road.

Councillor Simpson advised that he would find the proposal acceptable if there were no further permitted development rights. Councillor Pick explained that this was covered by Condition 8.

## WESTERN AREA PLANNING COMMITTEE - 2 NOVEMBER 2016 - MINUTES

Councillor Hooker invited the Committee to vote on the proposal of Councillor von Celsing, as seconded by Councillor Bryant to accept officers recommendation. At the vote this was carried unanimously.

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

### Conditions

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

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

2. The development hereby approved shall be carried out in accordance with the Design & Access Statement and drawings 16059/001 G Rev B and 002 G Rev B received on 5 October 2016.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

3. No development shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site or by arrangement with the Planning Officer. 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 2012 and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

4. No development shall take place until details of the rooflights have been submitted to and approved in writing by the Local Planning Authority. These shall be conservation style and flush fitting). Details clarifying the window opening size are required. The window shall thereafter be installed in accordance with the approved details.

Reason: To protect the amenities of neighbouring properties and visual character of the Conservation Area in accordance with the National Planning Policy Framework 2012 and Policies CS14 and CS19 of West Berkshire Core Strategy 2006-2026.

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) Measures to control the emission of dust and dirt during demolition/construction
- (e) A scheme for recycling/disposing of waste resulting from demolition and construction works



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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 2012, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. No demolition or construction works shall take place outside the following hours:
- 8:00am to 6:00pm Mondays to Fridays;
  - 8:30am to 1:00pm Saturdays;
  - nor at any time on Sundays or Bank Holidays.

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

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B or C of that Order shall be constructed without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

8. The garage and home office hereby approved shall be used only as an integral part of the existing dwelling known as '36 Church Street', and for residential purposes incidental to the enjoyment of the occupiers of that dwelling. It shall not be used as a separate dwelling unit, nor shall it be sold, let, rented or otherwise separately occupied, or disposed of, and no separate curtilage shall be created.

Reason: The creation of a separate unit of accommodation is inappropriate for the site, and would be detrimental to the amenities of the area and therefore would be contrary to the provisions of Policy CS14 of the Core Strategy 2006-2026.

9. The use of the building hereby approved shall not commence until the vehicle parking space have been surfaced, marked out and provided in accordance with the approved plan. The parking spaces 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 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).

### **(2) Application No. and Parish: 16/01052/FULMAJ - Prosperous Home Farm, Salisbury Road, Hungerford**

*(Councillor Paul Hewer declared a personal and prejudicial interest in Agenda Item 4(2) by virtue of the fact that he was employed by Sovereign Housing, the proposed*

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*affordable housing provider. As his interest was a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter and would take no part in the debate or voting on the matter.)*

*(Councillor Virginia von Celsing declared a personal interest in Agenda Item 4(2) by virtue of the fact that she was acquainted with the agent. As her interest was personal and not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 16/01052/FULMAJ in respect of Prosperous Home Farm, Salisbury Road, Hungerford and an application to renovate existing buildings and erect new dwellings, including two affordable housing units.

In accordance with the Council's Constitution, Mr Martin Crane, Parish Council representative and Mr Rod Kent and Mr Stuart Roberts, applicant/agent, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. The proposal was for the removal of existing agricultural buildings/structures to facilitate the creation of 7 dwellings; including the conversion and extension of 4 traditional agricultural buildings and grain silos, and the erection of 3 new build dwellings, two of which would be affordable, with associated parking, turning, landscaping, private amenity space, ecological enhancements, and provision of footway to existing bus stop. There would also be improvements to the existing farmhouse; including the removal of an existing car port, erection of new garage, remodelling works and the erection of replacement single storey agricultural storage barn. In conclusion the report detailed that the proposal unsatisfactory and a conditional approval was not justifiable. Officers strongly recommended the Committee refuse planning permission.

Councillor Hooker asked why the Highways objection had only been received on the day of the Committee meeting. Derek Carnegie responded that the Highways Team had been in consistent discussions with the applicant but needed to reach a conclusion.

Paul Goddard explained that Highways officers had assessed the proposals and noted the proposed footpath to a bus stop on the A338. The sight lights onto the A338 were almost at an acceptable level considering the speed of the road. The Highways Team sought for developments of over five dwellings to have roads built to adoptable standards but this would not be possible as there would not be sufficient width.

Councillor Anthony Pick noted the connection with Jethro Tull who was an important historical figure and asked whether any of the buildings dated from his occupation of the farm. Derek Carnegie advised that the majority of the buildings would not. Councillor Pick further sought clarification on the proposed large house and noted that the council's new Housing Sites Allocation Development Plan Document (HSA DPD) did not change the policy on rural exception sites.

Councillor Paul Bryant noted that the policy on rural exception sites was irrelevant as the site in question was not one. Councillor Bryant asked whether a landowner would be required to use previously-used land to erect a barn. Derek Carnegie advised that the Local Planning Authority might comments on its location but it was not required to be on brownfield land.

Mr Crane, (Parish Council representative), in addressing the Committee raised the following points:

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- The proposal would be an exciting development and would bring into use redundant agricultural buildings.
- Wiltshire County Council raised no objections.
- The site currently coped without intervention from the Highways Team.
- The proposed development would provide much needed affordable housing in a rural area.
- He was an advisory partner for the North Wessex Downs Area on Outstanding Natural Beauty (AONB).
- The officer's comment in the committee report that the development was unsustainable was a subjective opinion.
- The development would protect a Heritage asset.
- Councillor Hilary Cole noted that residents of the affordable housing might not have their own transport and enquired upon the regularity of the bus service. Mr Crane responded that the 20 and 22 services between Hungerford and Marlborough operated every two hours.
- Derek Carnegie read an appeal decision by the Planning Inspector in relation to the Rising Sun near Woolhampton which outlined what 'sustainable' was considered to mean. Mr Crane responded that people choosing to live at the site would be aware of the public transport offer in advance.
- Mr Kent (Applicant) and Mr Roberts (Agent) in addressing the committee made the following points:
  - The site was a redundant farm yard sited some 600 yards away from the site of Jethro Tull's farm.
  - There were no public objections or objections from other authorities.
  - A similar application in Winterbourne had recently been approved by the Committee.
  - Government policy was in favour of converting redundant agricultural buildings for housing.
  - The application would not diminish the natural beauty of the AONB and instead would remove ugly buildings and concrete hardstanding.
  - It would not be viable to provide the affordable housing if the whole site was not developed.
  - There was a high demand for affordable housing in Hungerford.
  - Two new affordable dwellings would enhance Sovereign's existing housing stock.
  - Councillor Pick enquired whether the site was still in use as a farm. Mr Kent responded that there was some arable use and parts were sublet for grazing. Councillor Pick further asked why the buildings were redundant; Mr Kent replied that they were not appropriate for storing machinery. Councillor Pick further sought clarification regarding the size of the large house; Mr Kent advised it would be a 4 bed roomed house with the attic laid to plank. Councillor Pick asked if the affordable housing would be protected for agricultural workers. Mr Kent advised that it would not but the Coach House would be offered to an existing tenant whom he wished to treat as a Protected tenant, although not legally defined as such.

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- Councillor Bryant sought further clarification on the connection to Jethro Tull. Mr Kent advised that he was writing a biography of Jethro Tull who dies in the 1750s whereas the oldest buildings on the site were built in the 1850s. Councillor Bryant enquired upon the purpose of the new barn. Mr Kent advised that it would be used to store the remaining agricultural equipment securely.
- Councillor Jeff Beck asked if Mr Kent was aware of any other silo conversions. Mr Kent responded that he knew of one near Grateley, south west of Andover and numerous conversions in the USA.
- Councillor James Podger, speaking as Ward Member, in addressing the Committee raised the following points:
  - The Town council strongly supported the proposal.
  - Affordable housing was needed in Hungerford.
  - The silo conversion was innovative and the new buildings would have longevity.
  - The period buildings would be protected.
  - There were no Highways objections from Wiltshire County Council.
  - Members had seen on the site visit that there was good visibility on the exit to the A338.
  - He did not agree that there would be harm to Planning Policy.
- Councillor Adrian Edwards asked if Councillor Podger knew of any other similar sites in Hungerford; Councillor Podger replied that Councillor Hewer would be likely to know that information.
- Councillor Cole asked Derek Carnegie whether the proposal might have been more acceptable if only the conversion of existing buildings had been proposed and the erection of new dwellings had not been included. Derek Carnegie responded that it might and reminded the Committee that West Berkshire aimed to be a plan-led authority.
- Councillor Bryant asked whether a building needed to be suitable for conversion in order for conversion to be permitted. Derek Carnegie confirmed that it would.
- Councillor Beck asked if Members were minded to approve the application, whether permission would be practicable given the Highways objections. Derek Carnegie explained that the application would still be a clear departure from Planning Policy and so would be referenced to the District Planning Committee for determination. Councillor Beck asked whether this could be overcome if the applicant was prepared to accept the Highways recommendations; Derek Carnegie advised that if that was the case he would suggest the application was held in abeyance until any proposal on the Highways aspect had been approved by officers, but the application in total was still against the Council's policies.
- Councillor Cole commended the exciting concept of the development, particularly noting the silo conversion, however she expressed concern about the new build properties. It was good to see an application put forward which included affordable housing and would have no problem if the application was just a conversion but could not support the application.
- Councillor Bryant stated that he was happy with the conversion of the farm building but could not support the new dwellings and proposed that the committee accept officers recommendation to refuse the application. Councillor Edwards in

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seconding the application expressed concern that it might set a precedent and as a cyclist disputed that the A338 was a safe road to cycle on.

- Councillor Hooker invited the Committee to vote on the proposal of Councillor Bryant, as seconded by Councillor Edwards to accept officers recommendation. At the vote this was carried with one abstention.

**RESOLVED** that the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

### **Reasons:**

1. The West Berkshire Local Plan Annual Monitoring Report 2015 (Housing - January 2016) shows that the Council can demonstrate a five year housing land supply. The Core Strategy, in accordance with the advice within paragraph 49 of the National Planning Policy Framework 2012, provides an up to date framework for development planning in West Berkshire.

The application site is situated in an unsustainable location outside of a defined settlement boundary. It comprises greenfield land within the countryside, and a protected nationally designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty where new development is strictly controlled. The site is not included in the Core Strategy district settlement hierarchy which identifies the most sustainable settlements for development. The proposed development is not considered to be a Rural Exception site under the criteria set out in Policy HSG.11 of the Local Plan or Policy C2 of the Housing Site Allocations Development Plan Document. Nor does it represent any other exceptional circumstance for housing development in the countryside assessed against Policy HSG.1 of the Local Plan and Policy C1 of the Housing Site Allocations Development Plan Document. The proposed development therefore fails to comply with Policies ADPP1, ADPP5, CS1 and CS13, of the West Berkshire Core Strategy 2006-2026, Policy HSG.1 and HSG.11 of the West Berkshire District Local Plan Saved Policies 2007, and Policy C1 and C2 of the Housing Site Allocations Development Plan Document, and the National Planning Policy Framework 2012.

### **Character of the Countryside**

2. The proposed development would by virtue of the extent of the alterations and extensions to the existing agricultural buildings in conjunction with the proposed new dwellings would result in a substantial isolated form and scale of domestic development which would be inappropriate to this agricultural site. Furthermore, the site is located within the North Wessex Downs AONB and is clearly visible. The development would adversely affect the natural beauty of the landscape and special visual qualities of the countryside and AONB.

This form of development is to the detriment of the visual, spatial and environmental character of the area within the countryside. The proposal conflicts with Development Plan Policies ADPP1, ADPP5, CS14 and CS19 (West Berkshire Core Strategy 2006-2016), HSG1 and ENV20 (West Berkshire Local Plan Saved policies 2007), Policies C1, C4 of the Housing Site Allocations Development Plan Document, Supplemental Planning Document Quality Design and advice contained within the NPPF.

### **Lack of S106 Housing**

3. The proposed development fails to provide a planning obligation to secure the appropriate provision of affordable housing. As such, the development fails to comply with the National Planning Policy Framework 2012, the Planning Practice Guidance, Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026, and the Planning Obligations Supplementary Planning Document.

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### Lack of S278 Agreement

4. The application fails to provide a Section 278 agreement for an appropriate scheme of works to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework 2012, Policies CS5 and CS13 of the West Berkshire District Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

*(The Committee adjourned at 8.18pm and reconvened at 8.23pm.)*

### **(3) Application No. and Parish: 16/02365/FUL - Scilla, High Street, Compton**

*(Councillor Virginia von Celsing declared a personal interest in Agenda Item 4(3) by virtue of the fact that she was acquainted with the agent. As her interest was personal and not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(3\*)) concerning Planning Application 16/02365/FUL in respect of Scilla, High Street, Compton for the demolition of the existing bungalow and replacement with new two storey dwelling.

In accordance with the Council's Constitution, Mr John Thomason, Parish Council representative, and Mr Steve Simkins, applicant/agent, addressed the Committee on this application.

Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. The proposal was considered to be of a high quality design which should be encouraged. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers strongly recommended the Committee grant/refuse planning permission

Mr Thomason (Parish Council representative) in addressing the Committee raised the following points:

- He had been appointed by the Parish Council to give a statement on their behalf.
- The proposal would not be in keeping with the street scene or the village design statement. It was a contemporary design in a prominent location.
- The flat roof was alien to Berkshire housing design.

Councillor Pick noted that the Compton Village Design Statement supported a variety of styles and was in favour of innovation. Mr Thomason responded that they supported the gable as an architectural feature but the flat roof did not correspond with the street scene.

Councillor Garth Simpson noted that the scale was compatible with the street scene and asked what the most important design feature was to the Parish council. Mr Thomason responded that the box appearance did not sit comfortably with the high street.

Councillor Clive Hooker asked whether the tree to the front of the site would be protected by a Tree Preservation Order (TPO); Derek Carnegie advised that the tree was situated away from the site and a TPO was not required.

Councillor Edwards enquired whether the Parish council had spoken with the Conservation Officer before submitting their objection. Mr Thomason responded that he did not know the answer to that query.

## WESTERN AREA PLANNING COMMITTEE - 2 NOVEMBER 2016 - MINUTES

Mr Simkins (Agent) in addressing the Committee raised the following points:

- The design followed the pattern of development along the high Street and had the same position and building line as the current bungalow.
- The front garden would be retained.
- The mix of roof styles would retain the variety of the street.
- Local material would be used to complement the two immediately neighbouring properties.
- The village Design Statement encouraged distinctive features.
- It would be a high quality building and complied with policy.

Councillor Hilary Cole asked whether the applicant had consulted with their neighbours prior to submitting the application. Mr Simkins responded that he knew the two immediate neighbours had been consulted but was unable to comment whether wider consultation had occurred.

Councillor Beck asked what material would be used for the flat roof; Mr Simkins advised that it would be a green roof laid with sedum.

Councillor Virginia von Celsing speaking as Ward Member in addressing the Committee made the following points:

- The Parish Council was not against development in general or the scale of the proposed house but was against the Cathedral-style glazing overlooking the conservation area.
- There had been a subjective comment from the Planning Officer that it was of 'high-level architectural merit'.
- The design was not sympathetic enough to the Village Design Statement.

Councillor Beck proposed that the Committee accept officer's recommendation to grant planning permissions as the development would fit in with and enhance the surrounding area. Councillor Cole in seconding the proposal agree that the design was innovative and noted she was pleased that it was not a pastiche of the existing properties.

Councillor Hooker invited the Committee to vote on the proposal of Councillor Beck, as seconded by Councillor Cole to accept officers recommendation. At the vote this was carried with one abstention.

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

### Conditions

#### 1. Full planning permission time limit

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. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings

## **WESTERN AREA PLANNING COMMITTEE - 2 NOVEMBER 2016 - MINUTES**

- Drawing title "Proposed Elevations". Drawing number P103 Rev A. Date stamped 20<sup>th</sup> September 2016
- Drawing title "Proposed Elevations 2". Drawing number P104 Rev B. Date stamped 20<sup>th</sup> September 2016
- Drawing title "Proposed Section". Drawing number P105. Date stamped 6<sup>th</sup> September 2016.
- Drawing title "Proposed Plans". Drawing number P101 Rev A. Date stamped 20<sup>th</sup> September 2016.
- Drawing title "Proposed Site Plan". Drawing number P100 Rev A. Date stamped 20<sup>th</sup> September 2016.

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

### **3. Samples of materials (to be submitted)**

No development shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas 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), Policies ADDP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), Document Supplementary Planning Guidance Quality Design (June 2006) and Compton Village Design Statement.

### **4. HIGH12 - Parking/turning in accord with plans (YHA24)**

The dwelling shall not be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and 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).

### **5. HIGH19 - Cycle parking (YHA35)**

The dwelling shall not be occupied until the 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).

### **6. HIGH20 - Cycle storage (YHA41)**

No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The



## **WESTERN AREA PLANNING COMMITTEE - 2 NOVEMBER 2016 - MINUTES**

dwelling shall not be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

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

### **7. Hours of work condition**

The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers.

### **8. Landscaping**

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

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

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

### **9. SuDS**

No development shall commence until a details of Sustainable Drainage Methods to be used within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure that all surface water is contained within the site and that no surface water is directed to existing highway drains nor existing water courses unless through controlled attenuation. The dwelling hereby approved shall not be occupied until the approved sustainable drainage methods have been implemented in full and these shall be maintained and operated in perpetuity.

Reason: To ensure that the development does not create unsustainable surface water run-off or adversely affects important areas of bio and geo diversity in accordance with the National Planning Policy Framework and Policy CS16 and CS17 of the West Berkshire Core Strategy 2006 - 2026.

### **10. Means of Enclosure**

The Dwelling hereby approved shall not be occupied until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in writing by the Local Planning Authority and erected in accordance with the approved details.

## **WESTERN AREA PLANNING COMMITTEE - 2 NOVEMBER 2016 - MINUTES**

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. In the interests of amenity and the character of the area. In accordance with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **11. Restriction of Permitted Development Rights**

Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent revision), no additions or extensions to the dwelling shall be built, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site, in the interest of amenity and visual character of the area. In accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **Informatives**

#### **1. Approval objection**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

#### **2. CIL Liable**

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)

#### **3. HI 3 Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

#### **4. HI 4 Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

#### **5. HI 8 Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

#### **6. Informative – Construction / Demolition Noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition

**WESTERN AREA PLANNING COMMITTEE - 2 NOVEMBER 2016 - MINUTES**

sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

**7. Code for Sustainable Homes**

The dwelling should seek to achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). To ensure the development contributes to sustainable construction.

**32. Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 8.52 am)*

**CHAIRMAN** .....

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

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# Agenda Item 6.

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# Agenda Item 7.

Item No	Application No. and Parish	Determination Target Date as per the PPA	Proposal, Location and Applicant
(1)	16/00547/FULEXT	31 <sup>st</sup> December 2016	Site clearance, demolition and the erection of 232 dwellings with associated car parking, residents' hub and management office; 816sqm of flexible commercial floor space (Class A1 (retail) / A2 (financial services)/A3 (restaurants and cafes) / A4 (drinking establishments) or B1 (offices)) and a multi-storey car park. Pedestrian access arrangements, hard and soft landscaping and other ancillary development/infrastructure. Land at Market Street, Newbury Grainger Newbury Ltd

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/00547/FULEXT>

## Recommendation Summary:

To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 9.1) and subject to the completion of a Section 106 Legal Agreement (Heads of Terms set out at 7.21.4) by 31<sup>st</sup> December 2016;  
Or  
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 reason set out in Section 9.2, or to extend the period for completion if it is considered expedient to do so.

## Ward Member(s):

Cllr. D. Benneyworth  
Cllr. J. Fredrickson

## Reason for Committee determination:

Major application partly on land owned by West Berkshire Council. WBC is also a partner in the development.

## Committee Site Visit:

17th November 2016

## Contact Officer Details

**Name:** Debra Inston  
**Job Title:** Principal Conservation and Design Officer  
**Tel No:** (01635) 519111  
**E-mail Address:** Debra.inston@westberks.gov.uk

## 1. RELEVANT PLANNING HISTORY

**15/02622/SCREEN** - EIA Screening Opinion of the land at Market Street, Newbury. Determined that development is not EIA development and an Environmental Statement is not required. 4<sup>th</sup> December 2015

**15/03164/FUL** - Regulation 3 - Wharf bus interchange, Newbury. Creation of a new bus interchange in The Wharf, Newbury. Approved 27<sup>th</sup> January 2016

## 2. PUBLICITY

Advertised in Newbury Weekly News on 24/03/16  
Neighbour Notification expired 08/04/16 (original plans) & 6/07/16 (revised plans)  
Site notice expired 27/04/16

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 CONSULTATIONS

#### 3.1.1 Original Plans

Town Council:	No objection/comment: The Committee generally supports the development. However, the following concerns were raised: <ul style="list-style-type: none"><li>- Given the need for affordable housing in Newbury, we do not agree that the ratio of affordable housing should be as low as 12% as is currently proposed. A ratio much closer to current WBC policy should be provided.</li><li>- Given the central location of the site, an adequate archaeological survey should be carried out.</li><li>- The developers should be requested to consider including one or more items of public art. If so, the Town Council is ready to assist with advice if called on.</li></ul>
BBOWT:	No objection subject to conditions: Recommend planning condition which requires that the development be implemented in accordance with an appropriately detailed landscape and ecological management plan which meets the policy objectives of the NPPF and statutory obligations of the NERC Act. The management plan should be based on the recommendations of the following: 'Bat Emergence and Activity Survey Report', dated February 2016, author Greengage. 'Reptile Survey Report' dated February 2016, author Greengage. 'Preliminary Ecological Appraisal' dated February 2016, author Greengage.
Conservation:	The Conservation Officer is the case officer for this application. Comments in relation to Conservation are included within the main report.

Archaeology:	<p>No objection subject to condition:</p> <p>Whilst previous activity on the site may have adversely affected in situ archaeological features or deposits, the size and location of the development requires that some targeted archaeological investigation would be appropriate. As such, the Archaeological Officer suggests the commissioning of a programme of archaeological investigations, to be carried out during the excavation of the foundations and any related groundworks for development in the northern portion of the site – this should include works for Blocks A to D shown on the proposed site plans . This will be secured by applying a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.</p>
Planning Policy:	<p>No objection/comment:</p> <p>The site is located in a highly sustainable location and national and local policies support the principle of development. The viability assessment will need to be carefully considered in negotiation over the amount of affordable housing that can be achieved on the site. Affordable housing units should be integrated throughout the development.</p>
Newbury Society:	<p>Objection/comment:</p> <ul style="list-style-type: none"> <li>- Feel that the use of varied rooflines and colours embodies Newbury but concerned that the height of the buildings does not. Rather than produce a gateway to Newbury, they resemble an “imposing castle wall”, and that the pedestrian way to the town centre is not more open and direct. A more impressive, and direct, pedestrian way to the town centre is needed that says “this way to the Town Centre“.</li> <li>- Proper bus shelters with seats will be needed in Market Street to replace the current facilities, together with crossing facilities for pedestrians to and from the Eastbound direction.</li> <li>- The documents do not consider mobility scooters and wheelchairs in any depth, particularly with the differences of levels in the site.</li> <li>- The increase in car parking of 220 for the future appears to be inadequate for 230 new residents and employees of 12,000 square metres of business units.</li> <li>- We would strongly welcome a proper pedestrian access from the site over the railway (without tickets) to the South side, so as to give new residents easy and direct access to the school and medical and dental facilities on the South side.</li> <li>- We support Newbury Town Council’s request for an archaeological study and public art.</li> <li>- We are concerned that despite the widespread consultation, there is little evidence of incorporating the</li> </ul>

	ideas raised into the final application.
Housing:	<p>Objection:</p> <p>30% of all dwellings on site are required for affordable housing provision, which on this scheme equates to 70 units. We would expect 49 of these homes to be delivered as social rent and 21 as shared ownership. To ensure satisfactory integration, affordable housing on new developments should be fully integrated within the general market housing. The Council expects affordable housing to be 'pepper potted' throughout a development. Where practicable, this means that affordable housing should be in groups of not more than 5 dwellings at any single location within the development.</p> <p>The applicants are proposing to provide 28 units of Intermediate Housing, this is not considered to be a satisfactory level of affordable housing within this development. There is a high housing need for affordable accommodation within Central Newbury and whilst it is acknowledged this development will bring an increase in the number of private rented properties available, this will be unaffordable to most of the households whom the Council is likely to owe a statutory housing duty.</p>
Education:	<p>Request S106 contribution towards primary school provision: Secondary, SEN and Early Years provision will be dealt with through CIL. However, this development is expected to yield around 32 primary age pupils and we do not have the capacity to accommodate these numbers. Our primary schools in Newbury, and in particular in South Newbury, continue to be full at reception and we continue to put in additional places each year. This will be mitigated somewhat when Highwood Copse school opens but the places provided will effectively be used up by this continuing demand from demographic growth. Our forecasts suggest that demand will continue over the next five years. Our Infrastructure Delivery Plan has recently been updated and we have identified that additional primary places (land and buildings) will be required, at a cost of £9,657,471. In order to mitigate this development we would therefore require new provision and seek a S106 agreement to provide a proportion of the costs identified. The project will deliver 0.5FE of new build provision and land of a suitable size. The amount sought is £1,471,616. This has been calculated as a proportion of the costs above - <math>\frac{£9,657,471}{210 \text{ places}} \times 32</math>.</p>
Environmental Health:	<p>No objections subject to conditions requiring the following:</p> <ul style="list-style-type: none"> <li>- Surrounding residential properties and future residents are protected from noise during the construction phase and afterwards.</li> <li>- Construction is restricted to between set hours.</li> <li>- Operational noise from plant and equipment is restricted</li> </ul>

	<p>to set levels.</p> <ul style="list-style-type: none"> <li>- Deliveries are restricted to between 06:00 and 23:00.</li> <li>- External areas provided for eating and drinking shall not be used outside the hours of 0700 and 2300.</li> <li>- Contamination Risk Assessment to be carried out.</li> <li>- Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from the cooking operations on A3, A4 and A5 premises.</li> </ul>
Waste/Recycling:	<p>Objection/comment:</p> <ul style="list-style-type: none"> <li>- Whilst residential bin stores have been designed to hold the correct number and size of bins, the carry distances from the stores are too great in several instances, particularly from Blocks G and H.</li> <li>- No separate commercial waste store has been indicated in the blocks containing commercial units.</li> <li>- Recommend condition requiring details of refuse storage.</li> </ul>
Libraries:	No response received.
Historic England:	<p>No objections:</p> <p>Application should be determined in accordance with national and local policy guidance.</p>
Environment Agency:	<p>No objections subject to conditions:</p> <p>The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if planning conditions requiring the following are included in the decision notice:</p> <ol style="list-style-type: none"> <li>1. Contamination Risk Assessment/Site investigation/remediation strategy/verification plan.</li> <li>2. No occupation until a Verification Plan has taken place.</li> <li>3. Remediation Strategy if contamination (not previously identified) is found during construction.</li> <li>4. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.</li> </ol>
Thames Valley Police Crime Prevention Design Officer:	<p>Objection/comment:</p> <ul style="list-style-type: none"> <li>- Excessive permeability within the internal layout of Blocks G and H.</li> <li>- Need for electronic gates into undercroft car park below Blocks G and H.</li> <li>- Car parking to be moved further away from ground floor windows of Block D.</li> <li>- Electronic gates should be provided for the parking area which is enclosed by Blocks B and D.</li> <li>- Further information is required detailing the management</li> </ul>

	<p>of postal deliveries to residents.</p> <ul style="list-style-type: none"> <li>- Request condition ensuring that Secured by Design (SBD) accreditation is achieved.</li> </ul>
Network Rail:	<p>No objections/comments: No objection in principle to this proposal providing any impact on the retaining wall at the back of the car park must be agreed in advance of any physical works with Network Rail, this can be controlled by an appropriately worded planning condition.</p> <p>Sets out a number of requirements for the safe operation of the railway and the protection of Network Rail's adjoining land, covering areas such as fencing, drainage, safety during construction, access to railway, site layout, piling, excavations, signalling, plant/scaffolding and cranes, Party Wall, Method Statements, lighting, safety barrier at railway line, foundations and ground disturbance.</p>
Ramblers:	No response received.
SPOKES:	No response received.
Disabled Access Panel:	No response received.
Fire Service:	<p>No objections/comment: Possible requirement for hydrant provision, but require detailed site plan.</p> <p>Access requirement for Fire Fighting should meet the functional requirements of the Building Regulations 1991 and the relevant provisions of the Berkshire Act.</p> <p>Recommend making commercial sprinklers a requirement.</p>
Thames Water:	<p>No objections, recommend conditions and informatives: Recommend informatives covering surface water drainage, installation of fat traps, construction over public sewers, installation of petrol/oil interceptors in car parks, possible need to divert water main.</p> <p>Recommend conditions requiring details of on and/or off site drainage works prior to the development commencing and the submission of impact studies.</p>
MOD:	<p>No objections: No safeguarding objections have been raised.</p>
SUDS	<p>Objection: The SUD's officer has assessed the Drainage Strategy and whilst they acknowledge that there is likely to be enough capacity in the designed system, they have serious concerns with regards to the lack of green SUDs. They feel that the scheme relies too heavily on permeable paving for storage and attenuation, which they feel has resulted in the ground level appearance of the open areas being heavily dominated</p>

	by paving. They have requested that other methods such as planted channels (rills), bio-retention systems, water features and tree pits are incorporated. However, their biggest criticism of the drainage strategy is the omission of any rainwater harvesting.
Trees	<p>Comment:</p> <p>Further information is required to demonstrate that the retention of the existing trees can be achieved in the medium and the long term and there is going to be minimal pressure on the trees to prune.</p> <p>More detail is required on the proposed planting to ensure adequate large long lived species are planted to mitigate against the loss of the trees on the site with adequate soil volumes which are required to get the trees established in the long term. There also needs to be details of the management plan of these species so establishment can be achieved.</p>
Transport Policy	<p>Object/Comment:</p> <ul style="list-style-type: none"> <li>- The main pedestrian/cyclists entrance from Market Street should be better defined.</li> <li>- The north/south route should be accessible to both pedestrians and cyclists for its entirety.</li> <li>- Ramp to station level should be amended to allow for cyclists.</li> <li>- The current right-turn ban from Market Street to Cheap Street should be removed.</li> <li>- Disappointed that a cycle hub is not proposed.</li> <li>- Car parking and phasing strategy are required for different phases of the development.</li> <li>- Proposed level of residential parking is below the car parking standard set out in Policy P1 of the West Berkshire Council Housing Site Allocations DPD, but no objections raised as the site is considered to be 'an exceptional circumstance'.</li> <li>- Electric Vehicle Charging points should be provided within the multi storey car park.</li> <li>- Level of proposed cycle parking is adequate.</li> <li>- Development should contribute to the Car Club.</li> <li>- A bus stop lay-by should be provided on the north side of Market Street.</li> <li>- Unclear from drawings whether sufficient space has been provided for rail replacement coaches.</li> <li>- Travel Plan should be provided.</li> </ul>

### 3.1.2 Amended Plans/Additional Information

Town Council:	No response received.
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Highways:	No objections. The full response of the Highways Officer is set out in the main report at section 7.6.
Transport Policy:	<p>First set of amended plans/additional information: Object/comment:</p> <ul style="list-style-type: none"> <li>- Revised position on level of proposed residential parking. It is now felt that whilst the site can be considered an 'exceptional circumstance' the proposed 108 spaces for 232 dwellings is not sufficient. Based on a travel to work modal share of 58% of work journeys being as a car driver – if there was only one worker per unit on the development a total of 134 spaces would be required. Therefore the development should provide at least a further 26 spaces.</li> <li>- Amendments to the north-south route and the addition of wayfinding signs have overcome original concerns.</li> <li>- Ramp to Station Level – Continue to maintain that this should be amended to allow cyclists to use it - Cyclists Dismount signs are unacceptable. However, the amendments to the ramp need not be so significant as originally suggested, given the fact that the majority of pedestrians will use the stairs.</li> <li>- Travel Plan should include, inter alia, details regarding the location of Electronic Vehicle (EV) charging points within the MSCP, provision of free cycle training to residents with an incentive of a voucher towards a bike or cycle equipment available once the cycle training has been completed and a contribution of £29,000 towards the Car Club.</li> <li>- Whilst the absence of a Cycle Hub is disappointing the Council will seek other opportunities to provide this facility.</li> </ul> <p>Second set of amended plans: No objections:</p> <ul style="list-style-type: none"> <li>- Welcome minor amendments made to ramp which would now allow cyclists to use it.</li> <li>- Recommend conditions and Travel Plan to be included in a S106.</li> </ul>
Newbury Society:	No response received.
Public Protection:	No further comments to make.
Housing:	<p>Object: Affordable housing provision to 5.6% (12 units) is unacceptable. Insufficient justification for not pepper-potting affordable units throughout the development.</p> <p>Notwithstanding this objection, if Grainger wish to retain the shared ownership, then our expectation would be that they are registered with the Homes and Communities Agency (HCA) as a Registered Provider and that they use the HCA</p>



	<p>model lease for the units. They would be expected to sell the shared ownership units to people who meet the eligibility and qualifying criteria in the Councils adopted Housing Allocations Policy and prospective applicants should be passed to the Housing Register team for prioritisation according to housing need (as all other shared ownership sales are).</p>
Waste/Recycling:	<p>First set of amended plans/additional information:</p> <p>Object/comment:</p> <p>Carry distances from refuse stores within Blocks G and H are too great for safe collection of bulk bins. As a private road it is possible that we will not be able to access it; indeed our contractors are not expected to access private land, be it a car park, shared driveway or private road.</p> <p>A swept-path analysis has been provided but a much smaller vehicle than our collection vehicles has been used (9.8 metres instead of 11.2 metres) and I am not satisfied that it demonstrates that even this smaller vehicle can access the site. <i>[n.b the Highways Officer has confirmed that the swept-path analysis is adequate for refuse vehicles].</i></p> <p>Concerned that the plan is for refuse collection vehicles to be able to enter the pedestrian and cycle only tertiary road within the site. Does this mean that this is not a road that is to be offered for adoption by the Local Authority? If it is not, and refuse vehicles are to be the only vehicles using it, I am concerned that they will be held responsible for any damage to the road surface in the future.</p> <p>It is not acceptable for the applicant to suggest a private waste collection from Blocks G and H; the Local Authority has a statutory duty to collect refuse and recycling from domestic council-tax paying properties.</p> <p>To overcome concerns with regards to the collection of waste from Blocks G and H, recommend making collections in this location as trouble free as possible by ensuring there is space for WBC collection vehicles to park whilst collecting, and employing the use of a 'management move' arrangement. This is where a management company is engaged to move the bins from the bin store to the collection point on the road on the morning of the scheduled collection day.</p> <p>Second set of amended plans/additional information: Objection stands regarding the proposal to use Private Waste Collection for Block G and H.</p>
Thames Valley Police Crime Prevention	<p>No objections/comment: - Welcome amendments to internal layout.</p>

Design Officer:	- Recommend conditions ensuring electronic gates to undercroft car park and Secured by Design accreditation is achieved.
Trees	<p>No objections: Satisfied the additional information provided is acceptable in terms of amending the Tree Protection Plan to show the additional car parking space. The proposed works will ensure that adequate rooting areas would be given to the proposed new planting on site.</p> <p>Within the Root Protection Areas the existing hard surface is to be retained as a temporary ground protection layer during construction rather than being removed through demolition. After the removal of hard standing by hand tools, replacement paving is being installed using a no-dig construction method. The existing sub-base would be de-compacted using an airspace with a soil probe. This is a recognised method of constructing hard standing within the root protection areas of trees, provided that the works are supervised by a competent arboriculturalist. The tree officer is content that the long term retention of the retained trees is achievable.</p>

### 3.2 Representations

<b>Total: 10</b>	<b>Object: 6</b>	<b>Support: 2</b>	<b>Comment: 2</b>
<b>Summary of Objections:</b>			
<ul style="list-style-type: none"> <li>- Insufficient existing drainage for sewage and foul water. Further development would exacerbate the situation.</li> <li>- Increased congestion on already busy roads.</li> <li>- Insufficient level of proposed parking - would put strain on town centre parking.</li> <li>- Overdevelopment – density too high.</li> <li>- Buildings are dominant and overbearing and not in keeping with the market town character.</li> <li>- Buildings fronting Market Street are too high.</li> <li>- Loss of light to Cheap Street and railway station.</li> <li>- Distance between railway station and new bus station is too great for elderly and mobility impaired.</li> <li>- Bus station should be provided next to the railway station.</li> <li>- Scheme should be redesigned to allow rail replacement buses to access from Market Street and buses to pass directly by the railway station.</li> <li>- Some units will be in perpetual shade, particularly in winter months.</li> <li>- Lack of open spaces.</li> <li>- Lack of 'green' measures such as green roofs.</li> <li>- Street lighting will be inadequate or obtrusive for some units due to high density.</li> <li>- Cycle racks should be in a secure area.</li> <li>- The proposal does not include a pedestrian route connecting south side of railway</li> </ul>			

with north side.

- Cannot guarantee that the scheme will bring in new jobs for residents of West Berkshire.
- Query the claim that the development will bring in £4m of economic revenue.
- Not taken on board comments from public consultation.
- Not enough space to the north of the railway station for dropping off, may result in congestion.
- Potential safety problems with vehicles crossing the main north – south pedestrian cycle route.
- Multi storey car park should be sited on the southern side of the railway line.
- North – south route through the site is too narrow and could become a threatening alleyway.

#### **Summary of Support:**

- Public input from consultation was taken on board.
- Good investment into a brownfield site that will provide opportunities for further investment in the southern end of the town centre.
- Help to support and drive much needed economic growth in Newbury.
- Creation of more than 220 new full time jobs in the next four years and, upon completion, anticipated to provide more than £4m of additional expenditure in local shops and services each year.
- Attractive landscaping.
- Improved entrance into town centre from railway station.
- Much needed housing will help generate vibrant community.

#### **Summary of Comments:**

- Disappointed that none of the homes are to be available to buy.
- Recommend condition requiring public art and seating across the site, particularly across from the railway station.
- Will contributions be sought towards costs of increasing capacity of existing infrastructure e.g. water and sewage?
- Archaeological investigation is required.
- More retail units should be provided.

## **4. PLANNING POLICY**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory Development Plan for West Berkshire comprises:

- West Berkshire Core Strategy (2006-2026)
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- Replacement Minerals Plan for Berkshire (2001)
- Waste Local Plan for Berkshire (1998)

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).

- 4.3 According to paragraph 215 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 4.4 The West Berkshire Core Strategy (2006-2026) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:
- ADPP1: Spatial Strategy
  - ADPP2: Newbury
  - CS1: Delivering New Homes and Retaining the Housing Stock
  - CS4: Housing Type and Mix
  - CS5: Infrastructure Requirements and Delivery
  - CS6: Provision of Affordable Housing
  - CS11: Hierarchy of Centres
  - CS13: Transport
  - CS14: Design Principles
  - CS15: Sustainable Construction and Energy Efficiency
  - CS16: Flooding
  - CS17: Biodiversity and Geodiversity
  - CS18: Green Infrastructure
  - CS19: Historic Environment and Landscape Character
- 4.5 A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) remain part of the development plan following the publication of the Core Strategy. The following saved policies from the Local Plan are relevant to this development:
- OVS.5: Environmental Nuisance and Pollution Control
  - OVS.6: Noise Pollution
  - HSG.1: The Identification of Settlements for Planning Purposes
  - TRANS.1: Meeting the Transport Needs of New Development
  - RL.2: Provision of Public Open Space (methods)
  - RL.3: The Selection of Public Open Space and Recreation Sites
- 4.6 According to Paragraph 216 of the NPPF, decision-takers may also give weight to relevant policies in emerging plans according to: (1) the stage of preparation, (2) the extent to which there are unresolved objections to relevant policies, and (3) the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. The Local Development Scheme (LDS) provides a timetable for the preparation of emerging development plan documents.
- 4.7 The emerging Housing Site Allocations Development Plan Document (HSA DPD) is the second DPD of the new West Berkshire Local Plan. It will allocate non-strategic housing sites and sites for Gypsies, Travellers and Travelling Showpeople, and will also provide updated residential parking standards and a set of policies to guide housing in the countryside. The Proposed Submission

HSA DPD is at an advanced stage, and was submitted to the Secretary of State for examination on 6th April 2016. The Examination Hearings were held in July 2016. The Council has received the Inspector's list of modifications needed for soundness and will be consulting on these in December 2016. The following policies from the HSA DPD are relevant to this development:

- P1: Residential Parking for New Development

4.8 The following local policy documents adopted by the Council are material considerations relevant to the development:

- Market Street Urban Village Planning and Design Brief SPD (2005)
- Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Newbury Vision 2026 (October 2014)
- West Berkshire Retail and Leisure Study 2003 (July 2003)
- West Berkshire Local Transport Plan 2001/02-2005/06
- Newbury Town Design Statement (April 2005)
- Newbury Historic Character Study (2005)

## **5. EIA & COMMUNITY INVOLVEMENT**

5.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). A screening opinion was issued on 5<sup>th</sup> December 2015 (reference 15/02622/SCREEN), which determined that the proposed development is not EIA development and therefore an Environmental Statement (ES) is not required.

5.2 Publicity of the application has been undertaken in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) and the Council's Statement of Community Involvement.

5.3 Although not a legal requirement, the NPPF encourages early engagement and consultation by the applicant. The application is accompanied by a Statement of Community Involvement, which outlines the process of community engagement undertaken by the applicants prior to submitting the application. This included community events, visits to local schools, a community planning weekend at West Berkshire Offices, establishment of a Market Street Community Forum and a public exhibition.

## **6. DESCRIPTION OF DEVELOPMENT**

6.1 The site measures approximately 2.2 ha and is located within the Newbury Town Centre Conservation Area. It comprises surface level car parking (including the Market Street public car park, WBC staff car park and Network Rail car park), the main bus station (and associated buildings) and residential properties along Highfield Avenue.

6.2 The site is bounded by Market Street to the north, Mayors Lane to the east, access road to the Council car park to the west; and Newbury Railway line and Station to the south. Highfield Avenue lies within the site on an east – west axis.

There are four existing vehicular accesses serving the site, three of which are off Market Street and the fourth off Cheap Street.

- 6.3 There is a significant level change (of approximately 4-5m) across the site. The gradient is steepest at the centre of the site and slopes downwards to the east and west. Steps provide pedestrian access from the Council staff car park and station level to the upper (Market Street) level.
- 6.4 Existing uses adjacent to the site include the railway to the south, a Quaker meeting house to the east, West Berkshire District Council Offices to the west and the Kennet Shopping Centre to the north. A number of other Town Centre uses such as commercial offices, retail and community buildings are also located nearby.
- 6.5 There are no listed buildings within the site, however some are located nearby. These include a number of Grade II listed buildings on Cheap Street and Bartholomew Street, the closest of which being no's. 6, 8, 48, 49 & 50, 53, 54 and 63 Cheap Street and no's. 28-29, 118, 113 and 115 Bartholomew Street.
- 6.6 There are a number of trees within the site which are protected by virtue of being in a Conservation Area. Two mature trees are located to the north eastern corner of the site which are proposed to be retained as part of the development proposals.
- 6.7 The original scheme was revised following a number of concerns raised during the initial consultation period. The first set of amendments/additional information included: alterations to the main pedestrian entrance into the development from Market Street to improve legibility (namely the removal of a proposed tree and inclusion of a smaller Echo Circle), submission of a plan showing an indicative public art strategy and location of proposed wayfinding signs, additional information relating to the Post Submission Consultation Event, minor amendments to the layout plan in response to Waste Officer comments (reduction of the carry distance between Block D and the collection point to 13.4 metres and amended refuse vehicle tracking diagram showing that an 11.2m refuse vehicle can enter and exit the site) and amendments to the location of parking spaces adjacent to the east elevation of Block D in response to the Crime Prevention Design Officer's comments (parking spaces have been moved 1 metre away from the ground floor window in Block D).
- 6.8 Following a re-consultation period, a second set of amendments/additional information was received. These included amendments to the Tree Protection Plan (showing a special method of construction around the root protection zones), minor changes to the width of the ramp allowing full cycle access throughout the site and changes to the internal layout of Blocks G and H in response to the Crime Prevention Design Officer's comments.
- 6.9 The Council has received a Viability Assessment from the applicant to justify the reduced level of affordable housing provision. This Assessment has been amended during the course of the application to take account of CIL contributions. The result is a reduction in affordable housing from 11% (26 units) (as initially proposed) to 5.6% (13 units).

- 6.10 This document is not publically available as it contains commercially sensitive information. Similarly the advice received from the Council's external consultant on this matter is confidential but has been used by Officers to inform the assessment of the proposed scheme. Further information, including the complete Viability Assessment and Consultant's Report is provided to Members in the Part II Report.
- 6.11 The following description therefore, relates to the amended proposals.
- 6.12 The application seeks full consent for a residential led mixed use development. This includes demolition of existing buildings on site (including the bus station which is to be relocated to the Wharf) and the erection of 232 residential units (comprising flats and housing) with associated car parking, residents' hub and management office; 816sqm of flexible commercial floor space (Class A1 (retail) / A2 (financial services)/A3 (restaurants and cafes) / A4 (drinking establishments) or B1 (offices)) and a multi-storey car park. The proposal also incorporates pedestrian access arrangements, hard and soft landscaping and other ancillary development/infrastructure.
- 6.13 The development comprises a number of residential and mixed use blocks of varying sizes, along new and existing linkages between Market Street, Mayors Lane and Newbury Station. The residential density of the scheme equates to approximately 102 dwellings per hectare.
- 6.14 In terms of dwelling type mix; Blocks A, B, C, E, G and H comprises flats and duplex apartments; Block D comprises terraced housing, flats and duplex apartments; and Blocks F and J comprise terraced housing.
- 6.15 The application proposes the following mix of residential units:

<b>Dwelling size (PRS)</b>	<b>No's.</b>
Studio	1
1 bed flat	73
2 bed flat	86
3 bed flat	1
2 bed duplex	25
3 bed duplex	3
2 bed house	10
3 bed house	20
<b>Total</b>	<b>219</b>
<b>Dwelling size (Affordable)</b>	<b>No's.</b>
1b2p flat	7
2b4p flat	6
<b>Total</b>	<b>13</b>

- 6.16 The development also proposes a Residents' Hub, which will provide indoor community space for the residents.
- 6.17 The application proposes the following mix of floorspace:

Use Class	Total Existing Floorspace	Total Proposed Floorspace	Net Gain/Loss
	GIA/m2		
Flexible commercial (A1/A2/A3/A4/B1)	-	816	816
Residential (inc. Undercroft parking in Blocks G and H)	1,097	20,972	19,875
Community Hub	-	135	135
Multi Storey Car Park	-	11,566	11,566
<b>Total</b>	<b>1,097</b>	<b>33,489</b>	<b>32,392</b>

## 7. CONSIDERATION OF THE PROPOSAL

The main issues for consideration in the determination of this application are:

- Principle of Development
- Design
- Impact upon the Historic Environment
- Impact upon the Residential Amenities of those Premises Adjoining the Application Site
- Amenity of Future Residents
- Highways
- Waste Management
- Transport Policy
- Network Rail
- Trees and Landscaping
- SUDS
- Archaeology
- Crime and Safety
- Flood Risk
- Ecology
- Contaminated Land
- Minerals
- Environmental Health
- Energy
- Affordable Housing
- CIL and S106 Contributions
- Presumption in Favour of Sustainable Development
- Non Planning Matters

### 7.1 THE PRINCIPLE OF DEVELOPMENT

7.1.1. A development brief was adopted for the site in 2005 (Market Street Urban Village Planning and Design Brief), which sets out the planning principles and design rationale to guide development of the site. The Market Street Urban



Village Planning and Design Brief was prepared in accordance with requirements set out in the now superseded West Berkshire District Local Plan, and was also informed by the previous Newbury Vision document '*Newbury 2025 – A Vision of Newbury Town Centre*', which has now been superseded by the '*Newbury Vision 2026*'. The purpose of the Market Street Brief was to ensure that development of the site not only respects the character and appearance of the Conservation Area and the special architectural and historic character of adjacent listed buildings, but also ensures the vitality and viability of the town centre.

- 7.1.2 Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates Newbury as an urban area within its district settlement hierarchy. These are areas with a wide range of services. The policy seeks to focus the majority of development within these areas.
- 7.1.3 Policy ADPP2 of the WBCS re-emphasises Policy ADPP1 and sets out the criteria for the principle of development within Newbury. Policy ADPP2 identifies the Market Street site for comprehensive, residential led mixed use development, with an aim to greatly improve pedestrian links from the railway station to the town centre.
- 7.1.4 Policy CS1 of the WBCS sets out the Council's approach to delivering new homes and retaining the housing stock. The WBCS sets out, in the spatial strategy, a housing requirement for the spatial area of Newbury and Thatcham of approximately 6,300 new homes between 2006 and 2026. New homes will be located in accordance with the settlement hierarchy outlined in Policy ADPP1. It states that there should be no net loss from the existing stock of homes in West Berkshire whilst new homes will be primarily developed on suitable previously developed land within settlement boundaries.
- 7.1.5 The emerging HSA DPD amplifies these policies, continuing to identify Newbury as the main focus for housing growth over the plan period with new housing development to be integrated into the town, supporting the vitality of the town centre and accompanied by enhanced services, facilities and infrastructure. The HSA DPD notes that there is significant potential for development on previously developed land, particularly in the town centre and periphery, including the Market Street site which will see the development of an "urban village" linking the railway station to the town centre.
- 7.1.6 The '*Newbury Vision 2026*' also highlights the importance of Market Street in achieving the long term vision for Newbury and the role it will play in supporting the surrounding villages and rural areas. The Newbury Vision document identifies a series of outcomes and actions, which taken together have the long term objective of enhancing the vitality and viability of Newbury. The redevelopment of Market Street is identified as playing an important role in helping to make Newbury an attractive place to live and work.
- 7.1.7 In terms of national planning policy, the overarching national planning policy guidance from Central Government is set out in the NPPF. The thrust of the NPPF is that sustainable development should underpin all planning decisions. The NPPF sets out the three main dimensions to sustainable development which it expects the Planning System to play a major role in achieving; these are economic, social and environmental.

- 7.1.8 In terms of economic well-being, the additional footfall that the proposal will attract will enhance the vitality and viability of this part of the town centre, which has been in decline over recent years, as evidenced by the number of empty units along Cheap Street.
- 7.1.9 The proposal also contributes to the achievement of social well-being for the following reasons:
- (i) It provides CIL contributions towards services within the District, which will contribute to improving the quality of life, well-being and health of the District and its people;
  - (ii) It provides a range of quality residential properties to rent within the town centre, including 13 affordable housing units (5.6% of the overall residential provision). A greater diversity of housing, located within central areas, is essential to the creation of sustainable communities and to facilitate easy access to jobs and services;
  - (iii) It provides new employment opportunities for people, both during and after construction;
  - (iv) It is highly accessible, affording easy access to goods and services for all people;
  - (v) It improves security within the town centre by providing streets that offer 24 hour natural surveillance;
  - (vi) It offers a permeable layout of streets, which provide pedestrians and cyclists with improved access to the Railway Station and Town Centre;
  - (vii) It improves the image and perception of the area, making the area a place of choice to live and work in;
  - (viii) It will provide a safe, attractive and vibrant environment. Vibrant places offer opportunities for social interaction which leads to a greater sense of community.
- 7.1.10 With regards to the contribution the scheme would make to the achievement of environmental well-being in the area, it is considered that the proposal would:
- (i) Promote sustainability by providing additional retail and residential provision within a highly accessible town centre;
  - (ii) Improve the quality of the public realm;
  - (iii) Encourage travel by cycling, through the provision of shared cycle and pedestrian routes throughout the development;
  - (iv) Provide high quality, well designed buildings which will enhance the character and appearance of the area.
- 7.1.11 In order to deliver sustainable development, the NPPF sets out 12 core planning principles, of which the following are relevant to this development:
- **Building a strong, competitive economy**  
Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. The proposed development would meet these aims by supporting the construction industry in the short term; offering environmental enhancements to an unattractive area within the town centre; increasing the

number of town centre residents who will help support local businesses; and by increasing the amount of commercial floorspace within the town centre.

– **Ensuring the vitality of town centres**

The NPPF recognises that residential development can play an important role in ensuring the vitality of centres. Development of this central site will help promote the vitality and viability of the town centre by encouraging a wide range of services in a good quality, accessible, environment.

– **Promoting sustainable transport**

The NPPF recognises the important role transport policies have in facilitating sustainable development. In accordance with the NPPF, the application is supported by a Transport Impact Assessment and a Framework Travel Plan (these will be discussed in more detail later). The proposal will promote sustainable travel by offering improved connections to the railway station for both cyclists and pedestrians. Measures will also be incorporated within the travel plan which will help promote car clubs and cycling.

– **Delivering a wide choice of quality homes**

One of the main aims of the NPPF is to ensure that the planning system delivers a wide choice of high quality homes, widens opportunities for home ownership and creates sustainable, inclusive and mixed communities. The provision of high quality private rented sector homes, located in a sustainable location, would help improve the diversity of housing to meet local needs.

– **Requiring good design**

The NPPF attaches great importance to the design of the built environment. Paragraph 56 states that 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. It goes on to state that decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- are visually attractive as a result of good architecture and appropriate landscaping.

The proposal is considered to achieve the above aims for the reasons set out in Section 7.2 'Design'.

– **Conserving and enhancing the historic environment**

The NPPF requires, inter alia, that local planning authorities take into account the following when making decisions that affect the historic environment:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

The proposal is considered to achieve the above aims for reasons set out in Section 7.3.

7.1.12 The proposal will contribute to achieving the economic, social and environmental well-being of the area by regenerating a central site and transforming a poor quality environment. The regeneration of Market Street is part of a wider vision to regenerate the town centre. It will act as the catalyst for other town centre initiatives, such as redevelopment of the Wharf area.

7.1.13 The principle of development is therefore considered acceptable, subject to its compliance with other planning policies and material planning considerations.

## **7.2 DESIGN**

### **Layout and Access across the Site**

7.2.1 The layout has been carefully designed to integrate with the town centre, paying special regard to the urban grain of the surrounding area, including the pattern of movement across this area of the town centre and the pattern of blocks and plot widths. It provides a permeable layout, comprising secondary and tertiary roads that connect with the surrounding streets, offering a strong framework of north/south and east/west links.

7.2.2 The provision of a clear and identifiable north to south route, accessible to pedestrians and cyclists only, will link the train station with Market Street and the town centre beyond. It has been clearly defined by the Blocks either side, which have been orientated to reinforce the route.

7.2.3 The east - west tertiary roads will allow for vehicular access to the residential units and undercroft car park beneath Block H. These vehicular tertiary roads will cross the north – south pedestrian and cyclist route at two points. The Transport Assessment submitted with the application includes a forecast of the traffic generated from the residential units within the site and specifically those which will be accessed from Market Street and Mayor's Lane. The data shows that a total of 23 and 22 vehicles in the AM and PM peak hours respectively will be generated by the residential units within Blocks A to F. However, not all these vehicles will travel along the tertiary road which crosses the pedestrian North / South route. The limited number of car parking spaces provided off the tertiary roads also suggests that only a very limited number of vehicles will travel along the tertiary roads during the day. Furthermore, residents living off Mayor's Lane (those within Blocks D and F) will not be able to cross the pedestrian and cycle route by car (due to strategically placed retractable/lockable bollards which will be operated by keys/cards or codes held by on-site management). Only refuse collection / potential servicing vehicles will be permitted to cross at this point and this will only occur approximately once per week.

7.2.4 Therefore, given the low level of car movement it is not considered there will be any significant conflict with the safe movement of pedestrians and cyclists.

Furthermore, all routes have been designed as shared surfaces, which will improve pedestrian movement and comfort by reducing the dominance of motor vehicles and enabling all users to share the space.

- 7.2.5 Whilst the majority of the site will be cyclist friendly, due to the significant level change (of approximately 4-5m) across the site, the site will be split into two levels (Market Street Level and Station Level). This has necessitated the need for a series of ramps (max 1:8 gradient) with level platforms at regular intervals. Alongside the ramps will be a staircase set between planters. The visual impact of the ramps and staircase has been reduced through the use of soft landscaping.
- 7.2.6 The scheme offers a legible layout by providing clear routes, intersections and landmarks. The main pedestrian access into the site is from the north, which is marked by a new 'echo circle' (to replace the one to be removed), this will help draw people into the site and onto the next landmark, a landscaped area of green open space. End elevations of buildings have also been designed in such a way as to improve legibility and add visual interest to the scheme. This has been achieved through the use of painted brickwork and buildings set at angles to define the routes.
- 7.2.7 Wayfinding signs along the routes, which link to the wayfinding signs across the town centre, will also help movement across the site. Details of these can be secured by condition.
- 7.2.8 The width of the proposed streets varies, with roads tapering and then widening to add interest to the streetscape and accentuate areas of public space. This arrangement is typical of the town centre which is characterised by an irregular street pattern consisting of streets which widen and converge to create spaces within the centre.
- 7.2.9 The layout and arrangement of the blocks is such that the public spaces will be overlooked by buildings. In addition, each building has an active street frontage, either commercial (as is the case with Market Street and Station Approach) or residential. The scheme therefore provides a high level of natural surveillance which will help reduce opportunities for crime and disorder.

### **Scale, Height and Massing**

- 7.2.10 The scheme comprises 2.5 to 6 storey buildings, which are effectively broken into 3 separate character areas:
- 1) Finer grain and narrow plot width buildings fronting Market Street and defining the north – south 'Station Walk' route. Typically 3 to 5 storeys in height.
  - 2) Low rise apartments, terraced houses and semi detached houses of lower and simpler form in the centre of the site. Providing a more human scale to towards the centre of the site. Typically 2.5 to 4 storeys.
  - 3) Formal wider, taller and grander buildings addressing 'Station Square', with the purpose of creating an impressive gateway into Newbury. Typically 5 to 6 storeys.

- 7.2.11 The gateway into Newbury from the station is marked by the tallest buildings within the proposed scheme, these are Blocks G and H, which stand 6 storeys high. Tall buildings are important to mark points of significant activity and emphasise important transport connections, as is the case here. They have been designed to address the new 'Station Square' area and provide an important gateway into Newbury.
- 7.2.12 Blocks G and H are the tallest of all blocks, at 6 storeys high. However, their apparent height and scale have been reduced through the use of various architectural techniques outlined below.
- 7.2.13 The apparent height and scale of Block H has been reduced by 'pushing back' the centre of the structure to form a 'C' plan building, creating a defined ground floor 'base' in contrasting materials, setting back the 6<sup>th</sup> storey and breaking it up into a series of small gable roofs in contrasting materials and introducing narrow gables.
- 7.2.14 In terms of Block G, the applicants have taken on board pre-application advice and reduced the height of the building. The scale of Block G has also been reduced at the request of the Officer by the introduction of gabled roof forms facing the east and west elevations.
- 7.2.15 It is also important to note that the relative height of Blocks G and H from ground floor level reduce to the rear due to the significant changes in ground level. Both blocks effectively becoming 5 storey buildings to the rear (north).
- 7.2.16 Drawing No. SK\_223 provides a series of cross sections through the site and the surrounding area to illustrate how the overall heights of the blocks relate to existing built form, both surrounding the site and across the town centre. The sections show that the height of the proposal relates well to the height of the Kennet Centre, Council Offices and Vue Cinema. The illustration also shows how the height of the scheme is comparable to the Parkway Development, which is also considered to sit comfortably within the town centre.
- 7.2.17 Blocks A, B, C and E form the northern and western perimeter of the site. They have been designed to respect the plot widths and heights of the buildings along Market Street. The height of Block B reduces from 4 storeys to 3 storeys at the eastern end, and a pitched roof has been introduced to respond to the reduced height and form of the buildings along Market Street. Towards the western end, gables fronting Market Street have been introduced. These varying roof forms and heights add variety and interest to the scheme, and reflect typical roof forms within the town centre. This arrangement is mirrored by Block A.
- 7.2.18 Blocks C and E comprise 4 to 5 storeys and form a transition between the 5 to 6 storey high buildings fronting Station Approach and Station Square and the 3 to 4 storey high buildings fronting Market Street. The scale of Block E has been reduced by the introduction of gabled roof forms facing the east and west elevations.
- 7.2.19 The scale of the end elevations of the wider, double plan, blocks (Blocks A, B, C, E, and G) have been broken down into narrower gables.

- 7.2.20 Blocks D and F are located within the heart of the site and are of a lower, simpler and more domestic scale than the blocks around the edge, and comprise mostly terraced dwellings. They have been designed to provide a transition between the reduced scale of the existing buildings to the east of the site and the increased scale of the buildings to the west and south. Block J, located to the east of Block H, comprises a row of 2 ½ - 3 storey terraced houses, and acts as a transition between Block H and the existing buildings to the east.
- 7.2.21 The varying scale of the built form across the site is reinforced by the hierarchy of primary, secondary and tertiary roads which cross or surround the site. With the houses located along the tertiary roads and the taller flatted blocks located along the primary and secondary roads. This changing hierarchy of streets is considered one of the important characteristics of Newbury Town Centre.

### **Design and Materials**

- 7.2.22 The buildings comprise a palette of traditional materials, such as red and grey brick, render and painted brickwork, all of which characterise the town centre. The elevations are regularly articulated and precise, and will, in coordination with a high quality landscape scheme, make a pleasant and welcoming residential development.
- 7.2.23 All blocks have been well articulated and have a strong vertical rhythm. The blocks have a typical plot width of 5 - 8 metres, reflecting the typically narrow plot widths in the surrounding Conservation Area of 5 - 10 metres. The buildings have been broken down into smaller elements with the introduction of gable roofs of varying heights. It is considered that this creates an interesting skyline which reflects the varied rooftops and skyline within Newbury Town Centre. It also helps accentuate the vertical rhythm of the buildings, as does the proportion and alignment of the windows, projecting bays, narrow gables and rainwater goods that rise up through each storey breaking the buildings into individual narrow fronted buildings. The vertical proportions of the proposed buildings reflect the vertical proportions that characterise the buildings within the town centre.
- 7.2.24 The proposed use of several types of bricks is welcomed: not only will the brick choices reflect brickwork in the town centre, but the use of several types of brick, as well as render, will help break down the scale of the development. To ensure the bricks are of a high quality, samples can be required by condition.
- 7.2.25 The ground floor commercial frontages along Market Street and Station Square and Station Approach are clearly delineated from the residential floors above through the use of contrasting materials and glazed shopfronts, the proportions of which reflect other shopfronts within the town centre. The shopfronts give the buildings a defined 'base' which helps reduce their overall height and adds interest to the elevations.

### **Public Realm**

- 7.2.26 Paragraphs 7.2.1–7.2.9 above touched upon the landscaping and public spaces that are proposed and how they will help define the routes. This section will

consider the quality of the public realm in terms of public spaces, materials and public art.

- 7.2.27 The proposed site contains three areas of open space that are designed not only to improve the legibility of the scheme but also to provide areas for the public to stop and enjoy. The areas are as follows:
- Echo Circle at the northern entrance to the site;
  - ‘The Green’ at the north section of Station Walk;
  - Station Square.
- 7.2.28 The new Echo Circle will replace the existing Echo Circle that is to be removed. It will form the main northern pedestrian and cyclist entrance into the site. It will be surrounded by areas of shrubs, herbaceous planting and several trees. It is to be laid out in such a way as to form a walkway/cycleway around either side. The replacement of the Echo Circle in this location is welcomed.
- 7.2.29 The area of public space referred to as ‘The Green’ to the north of Station Walk is to be set to lawn with semi-mature trees, defined by upstand seating edges and encompassed by footpaths. It will be surrounded by commercial and residential units, as well as the proposed Community Hub.
- 7.2.30 The new plaza area ‘Station Square’ in front of the railway station will help provide an important gateway into the town centre. It will be surrounded by the commercial properties at the ground floor of Block H, and provide an area of open space for shoppers, residents and station users. Soft landscaping is proposed to define this area and demarcate it from the shared surface of Station Approach. There is also an opportunity for public art in this area.
- 7.2.31 Landscaping is proposed along the ground floor of each block, which not only helps to delineate private and public spaces (in most cases), but also provides a soft ‘green’ element and helps reinforce the streetscene.
- 7.2.32 The proposed planting along the north – south route is carried on through to the ramps and stairs, with planting alongside and between the ramps and stairs. This helps soften what could otherwise be an unattractive heavily engineered section.
- 7.2.33 The application also proposes improving the footpaths along existing street frontages, by increasing pavement widths, resurfacing using high quality materials and providing new street furniture, lighting and planting of trees.
- 7.2.34 A plan showing an indicative public art strategy has been submitted, this includes the Echo Circle and opportunities for public art on the east and south elevations of the multi storey car park. The inclusion of public art within the scheme is an important element and will contribute to a high quality public realm. A condition is therefore recommended requiring full details of a public art strategy.
- 7.2.35 From an urban design perspective it is considered that the proposal achieves an adequate mix of soft and hard landscaping, whilst allowing for the movement of pedestrians, mobility impaired users, pushchairs, cyclists, vehicles (on the east – west routes) and refuse turning movements.



7.2.36 It is considered that the proposal would offer a high quality attractive public realm, that offers a permeable and legible layout, with a seamless series of active streets and spaces.

### **Multi Storey Car Park**

7.2.37 A multi storey car park (MSCP) is proposed in the south west corner of the site, situated behind the Council offices and the flats at Bartholomew Court and bounded to the south by the railway line.

7.2.38 Due their function and nature, MSCP's tend to be large, monolithic structures. Elevational treatments such as high quality cladding or green walls can help overcome this by creating 'light weight' elevations and providing interest to the building. In this case, the applicants are proposing narrow powder coated aluminium louvered panels (colours to be conditioned by way of a materials condition) to help give a lightweight appearance to the building and add interest to its elevations.

7.2.39 The MSCP's location is such that it benefits from the backdrop of the Council offices and Bartholomew Court, thereby helping reduce its visual impact on the area.

### **Conclusion to Design**

7.2.40 It is considered that the scheme has been designed to a high standard, taking design cues from the surrounding Conservation Area, e.g. in its use of gables, parapets, narrow plot widths, vertically proportioned buildings and varying roof heights. Rather than provide a series of large monolithic blocks the applicants have used various design devices to break up the scale and massing of the buildings, thus reflecting the scale and massing of the surrounding area. The scheme also enhances the character and appearance of the Conservation Area by strengthening existing connections through the site, introducing a hierarchy of new streets which reflect the urban grain of the area and offering a high quality public realm. The design of the scheme is therefore considered consistent with the NPPF, Policies CS14 and CS19 of the Core Strategy and the Market Street Planning and Design Brief.

## **7.3 IMPACT UPON THE HISTORIC ENVIRONMENT**

7.3.1 The key issues for consideration are considered to be:

- a) Whether the proposal would preserve or enhance the character or appearance of the Conservation Area;
- b) Whether the proposal would preserve the character and setting of nearby listed buildings.

7.3.2 A Heritage Impact Assessment carried out by Oxford Archaeology has been submitted in support of this application. This report provides an assessment of the impact the development would have on the character and appearance of the Conservation Area and the setting of nearby listed buildings.

- 7.3.3 Newbury Town Centre Conservation Area is characterised by 18<sup>th</sup> and 19<sup>th</sup> century buildings with some newer infills of varying quality. The main commercial streets (Northbrook Street, Bartholomew Street and Market Place) comprise mostly 3 storey buildings. However, newer developments of 4-6 storeys have been successfully incorporated into the town centre, most notably, the recent Park Way development.
- 7.3.4 Beyond the main commercial core of the town centre, the scale of development tends to reduce, and is typified by lower scaled terraced and semi-detached homes from the 18<sup>th</sup> and 19<sup>th</sup> centuries.
- 7.3.5 In terms of the characteristics of the site, whilst the site is located within the Conservation Area it does not currently make a positive contribution to the character of the area. It contains unattractive surface level parking, a bus station of no architectural interest and a row of 20<sup>th</sup> century houses along Highfield Avenue which, whilst not unattractive, are of no particular architectural or historic interest. Furthermore, the historic character of the area immediately surrounding the site has been lost through modern developments such as the cinema, the Kennet Centre and the Council Offices.
- 7.3.6 The description of the Market Street area contained within the Newbury Historic Character Study confirms this assessment:

*“South of Market Street are modern offices and the new Baptist Church, bus station and railway station. These occupy the rear of former medieval plots along Bartholomew Street and Cheap Street and an area between these which remained as open field until the railway was built c 1840. The 19th-century station building remains although alterations have been carried out. At present there is a row of early 20th-century houses between it and the bus station. The bus station site was first developed for the cattle market and later became a multi-storey car park. The station car park has been built on a former quarry site. Brick and tile are the predominant building materials, although the West Berkshire Council offices, which dominate the area have flat roofs. Street furniture is of modern design apart from older style lampposts close to the railway station building. There is little surviving historic character here and the scale of the modern development closes off views into the rest of the town. Access from the railway station into the town is unattractive leading past the A339 (T) relief road.”*

- 7.3.7 Important to note from the above is the fact that the scale of surrounding modern development is such that it has closed off views into the rest of the town. Views of important historic landmark buildings within the town centre are either limited or non-existent. The very top of the spire to the Grade II listed Town Hall is only visible from limited parts of the site (mostly during the winter months), such as the tops of the steps from the Council staff car park. Even then it is only barely visible above the top of the Kennet Centre. The site is therefore disconnected from the wider town centre, both visually and physically. The latter due to the lack of permeable connections.

7.3.8 It is acknowledged that the height of the proposed development is greater than the existing historic development along Cheap Street and Market Street. However, the apparent height and scale of the buildings have been reduced through the use of various architectural techniques, including the creation of a defined ground floor 'base' (often in contrasting materials); setting back upper storeys on the tallest blocks; and breaking up the scale of the buildings through the use of varying materials, roof forms, heights and orientations.

7.3.9 As set out in the previous section, the design of the scheme is considered to reflect the main characteristics of the Town Centre Conservation Area. In particular, special regard has been given to the following:

- Creation of a strong vertical rhythm, not only in terms of elevational treatment but also in terms of giving the impression of narrow plot widths to reflect the historic grain of the area.
- Maintaining vertical rhythm whilst providing variety between the vertical elements e.g. by changing the window size, proportions or spacing between blocks. Thus avoiding the creation of monotonous blocks.
- Providing vertically proportioned windows to reflect the sash windows which characterise the town centre.
- Varying roof heights and forms to add interest to the skyline and accentuate the vertical divisions in the street. This is typical of the town centre, which displays an interesting mix of gables, hips and flat roofs of varying heights and orientation.
- Providing roads with varying width to height ratios which reflect the relative status of the street.
- Providing a predominantly brick based architecture (consisting of brick colours to reflect those found in the town centre) but broken up with white painted brickwork or render to highlight certain buildings and add interest to the streetscene.

7.3.10 There are no listed buildings within the development site, but there are numerous listed buildings along the surrounding roads, particularly along Bartholomew Street and Cheap Street. However, none of these buildings are directly adjacent to the site. Whilst views of the proposed development would be possible from some of the listed buildings, particularly from no's 48-50 Cheap Street, there is no heritage importance to this view.

7.3.11 For the reasons listed above, it is not considered that the proposal would cause any harm to the character or appearance of the Conservation Area or the setting of any nearby listed buildings. Indeed, it is felt that the proposal would offer much needed enhancements to this part of the town centre and improve its relationship with the wider town centre and Conservation Area.

#### **7.4 IMPACT UPON THE RESIDENTIAL AMENITIES OF THOSE PREMISES ADJOINING THE APPLICATION SITE**

7.4.1 The site is mostly surrounded by commercial and office buildings; however there are several residential properties adjacent to the site that will be impacted by the proposed development. These properties include the Quaker House (although not a permanent residence it has still been included) and 1 – 16 Mayor's Lane.

- 7.4.2 In order to assess the impact of the proposed new buildings on these existing properties the applicant commissioned a sunlight and daylight assessment to be undertaken. This was based on the British Research Establishment (BRE) guidance - Site Planning for Daylight and Sunlight a Guide to Good Practice (1991). This guidance sets out a minimum level of daylight and sunlight which rooms in residential dwellings should receive.
- 7.4.3 The analysis found that the impact on the above properties is isolated and limited to two rooms (1<sup>st</sup> floor window on the west elevation of Quaker House and 1 ground floor window in the southern elevation of 1 – 16 Mayor's Lane).
- 7.4.4 The results found that whilst these two rooms do not meet BRE guidelines in relation to sunlight and daylight, they are only marginally in excess of the BRE guidelines. Given the site's urban location and the relatively minor and isolated effects on these properties it is not considered that the impact would be such as to warrant refusal.

## **7.5 AMENITY OF FUTURE RESIDENTS**

### **Accessibility**

- 7.5.1 The proposal comprises a traditional street pattern which provides full access throughout the site for pedestrians, cyclists, the mobility impaired and other vulnerable users.

### **Privacy and Outlook**

- 7.5.2 In terms of the relationships within the site and privacy levels, the rear to rear distances between the 2 storey town houses in the centre of the proposed scheme (Block F) range from 11 to 13m; and the front-to-front distances across the entire development range from 8m to 15m.
- 7.5.3 Whilst the rear to rear distances between the town houses do not fully meet the requirements set out in West Berkshire's 'Quality Design - Residential Development' SPG, this relationship is typical in high density urban areas, where expectations of privacy tend to be lower. Furthermore, more flexible standards are required to ensure the most efficient use of sustainable brownfield sites.

### **Sunlight and Daylight**

- 7.5.4 Shadow Path Diagrams submitted within the application demonstrate that in the summer all residential units will receive sunlight at various times during the day. During the winter however, Blocks A, B, D, F and G will receive only limited sunlight during the day and all north facing single aspect units will be in shadow throughout the day.
- 7.5.5 However, this level of sunlight and daylight is not considered to be untypical in higher density town centre locations and is not considered so significant as to warrant refusal.

## **Amenity Space**

- 7.5.6 All houses are provided with private amenity space, whilst most apartments above ground floor level have access to a private balcony. The site is located within a highly sustainable central location, where access to a wide range of amenities is available. Furthermore, a Residents' 'Hub' is proposed which will provide internal community space for the residents. It is therefore considered that the proposed level of private amenity space is acceptable within this town centre location.

## **7.6 HIGHWAYS**

- 7.6.1 This planning application is linked to planning application 15/03164/FUL that was approved to relocate the existing bus station within the site to The Wharf. This development is making a £500,000 financial contribution to the new bus station.

### **Layout**

- 7.6.2 Vehicular access is provided via three existing access roads, being the station approach road owned by Network Rail, the unadopted access road serving West Berkshire Council and the public highway of Mayors Lane.
- 7.6.3 A drop off area and turning area is being provided fronting the train station that will also serve the parking being provided for blocks G and H that front onto the train station forecourt area. The access road serving West Berkshire Council will be aligned fronting the offices to give priority to this route that will serve the proposed MSCP in the south west corner of the site. Block E, Block F (part) and Block J in the centre of the development will also be served from this route via a new west to east access road that will reach the south east corner of the development.
- 7.6.4 Mayors Lane will be retained and will provide access to the northern area of the site by providing an east to west through road through to the area of the West Berkshire Council offices. Highway Officers remain concerned regarding some proposed bollards on this route that should be removed to ensure that a refuse vehicle can loop through the site.
- 7.6.5 These proposed lightly trafficked access roads within the site should be designed as shared surfaces. From the latest plans submitted, what would appear to be narrow footways are still shown. Highway Officers would prefer a uniform surface across the whole width.
- 7.6.6 Highway Officers consider that further design work is required regarding pedestrian routes in the vicinity of the entrance barriers to the MSCP.
- 7.6.7 Highway Officers consider that all of these items can be provided through appropriate conditions.
- 7.6.8 The proposal includes a pedestrian / cycle route through the site linking the train station towards the town centre. The consideration is that pedestrians will route towards Bartholomew Street and also towards the Kennet Shopping Centre. This results in the route branching into two as it approaches Market Street. Part of the

route consists of a ramp and a footpath with steps from train station level to Market Street level. The pedestrian / cycle route will be crossed by the proposed internal access roads. Vehicular traffic will be prevented from using this pedestrian / cycle route by the provision of bollards.

- 7.6.9 Highway Officers will aim to have all new proposed access roads and pedestrian / cycle routes adopted as public highway along with the road that will serve the MSCP. Highway Officers are also content to adopt the station forecourt area.

### **Parking**

- 7.6.10 For residential development, the West Berkshire Council Housing Site Allocations DPD Parking Standards for New Residential Development has been referred to. For this site, which is in zone 1, two spaces are required for all three bedroom units with one space for all two bedroom units and 0.75 spaces for one bedroom flats and 1.0 space for one bedroom houses.
- 7.6.11 With these standards, some 228 car parking spaces are required. A total of 108 car parking spaces are proposed with 54 spaces provided accessed from train station level for blocks G and H, with 54 spaces provided around the site accessed from Market Street plus five retained for the Quakers Meeting House. The development is in a very sustainable location, and it is unlikely that 228 parking spaces will be required. Evidence for this has been taken from surveys of the nearby Imperial and Bartholomew Court development including recent surveys by highway officers as recent as October 2016. Nevertheless, Highway Officers are uncomfortable with only 108 spaces. It has therefore been agreed to provide additional car parking for residents within the proposed MSCP, which will be mainly empty of Network Rail and West Berkshire Council car parking overnight and weekends. The uses therefore lend themselves to share the car park in this way. This will all need to be finalised with a Car Parking Management Plan to be submitted and secured by condition.
- 7.6.12 Accessed from Market Street, West Berkshire Council currently has 203 car parking spaces available for West Berkshire Council serving nearly 400 staff. Over a few days during April and October 2016, Highway Officers counted between 157 and 215 cars within the car park. The car park is virtually empty overnight weekdays and at weekends.
- 7.6.13 Accessed from the station approach, Network Rail have 142 car parking spaces north of the railway station including 32 season ticket holders, 1 drop off and First Great Western van space. From counts organised by the applicant's highway consultants during July 2015 and Highway Officers during April 2016, the car park is mostly full during the day during the week, and is mostly empty overnight weekday and at weekends.
- 7.6.14 To replace all of the above, within the south eastern part of the site, a MSCP is proposed. Plans reveal a car park on five levels providing 404 car parking spaces including 15 spaces for disabled persons. The MSCP will be accessed off Market Street to follow the design ethos of maximising the public realm at the station forecourt. There is however an emergency or service access for the MSCP provided from the train station level.

- 7.6.15 An additional 50 car parking spaces will be added to Network Rail car parking providing 192 spaces within the MSCP.
- 7.6.16 150 car parking spaces will be provided for West Berkshire Council staff. From the counts taken in April 2016, this would be a shortfall of between 7 and 65 spaces.
- 7.6.17 The Market Street public car park has 71 car parking spaces which appear to be frequently near or at capacity. This car park will be lost by the proposed development. This gives a deficit of between 78 and 136 car parking spaces within Newbury town centre. However the Traffic Services Manager advises that up to 200 car parking spaces are used within Newbury town centre by Vodafone. This car parking will be freed with this parking being relocated to new additional car parking being provided at the Vodafone headquarters. There should therefore be sufficient car parking within the town centre to absorb the loss of the Market Street public car park and the displaced West Berkshire Council staff car parking.
- 7.6.18 The proposed development complies with West Berkshire Councils 'Cycle and Motorcycle Advice and Standards for New Development from November 2014'.
- 7.6.19 16 spaces seem to be provided for taxis and drop off fronting the train station which is acceptable.
- 7.6.20 Rail Replacement coaches can be accommodated within the station approach area.
- 7.6.21 Car parking will be retained but relocated within the site as the development proceeds. This can be secured in more detail by condition.

### **Traffic generation**

- 7.6.22 To project traffic levels for the residential development, the Transport Assessment has used the Trip Rate Information Computer System (TRICS), which is a national database containing traffic survey data on many different uses including town centre residential uses. The following is provided within the Transport Assessment:

Period	Arrive	Depart	Total
Weekday AM Peak (08.00 to 09.00)	0.078	0.243	0.321
Weekday PM Peak (17.00 to 18.00)	0.191	0.103	0.294

*Expected traffic generation per residential unit*

7.6.23 This would produce the following traffic generation for the residential development.

Period	Arrive	Depart	Total
Weekday AM Peak (08.00 to 09.00)	18	55	72
Weekday PM Peak (17.00 to 18.00)	43	23	66

*Expected total traffic generation from Market Street residential part only*

7.6.24 Highway Officers consider the above projection to be sufficiently robust for a site within the centre of Newbury.

7.6.25 There will also be an increase in the train station car parking of 50 spaces as mentioned earlier. The traffic surveyed by the applicants to and from the car park has been increased in proportion to the increase in traffic. This gives an increase in traffic from the car park of 28 vehicles arriving during the AM peak and 54 leaving during the PM peak.

Period	Arrive	Depart	Total
Weekday AM Peak (08.00 to 09.00)	46	55	101
Weekday PM Peak (17.00 to 18.00)	43	77	120

*Expected total traffic generation from Market Street*

### **Traffic distribution**

7.6.26 Traffic for the residential development has generally been distributed as per traffic survey data, which is considered to be acceptable. Traffic has also been reassigned on the highway network from the loss of parking such as the Market Street public car park, the bus station and from the train station car parking now being accessed from Market Street.

7.6.27 Whilst the West Berkshire Council car park will be relocated, the access to it will remain in its current position off Market Street; as a result no changes in traffic flows are expected in this regard.



7.6.28 Overall, we can therefore expect the following traffic increases in the following locations:

	Traffic levels without development (with development)	
	AM 08.00 to 09.00	PM 17.00 to 18.00
Bear Lane west of A339	742 (782)	879 (959)
Cheap Street south of Market Street	278 (322)	180 (169)
Bartholomew Street south of Market Street	1124 (1199)	1087 (1136)

*Traffic increases from proposal in the vicinity*

### **Traffic Modelling**

7.6.29 The applicants highway consultants organised traffic surveys during peak travel periods in early July 2015 for all junctions along Cheap Street, Bear Lane, Market Street, Bartholomew Street and Newtown Road.

7.6.30 As is standard practice, all traffic survey data has been growthed up to 2021. Also included are expected completions at Newbury Racecourse housing development to 2021, 50% of the potential London Road Industrial Estate, the A339 / Fleming Road junction, and the Sterling Industrial Estate and B3421 link road. Also included are the proposed current junction improvements for the A339 / A4 / B4009 Robin Hood Gyratory and the A339 / B3421 Kings Road / Bear Lane Roundabout.

7.6.31 The following scenarios have therefore been modelled:

1. 2021 traffic growth, plus committed development;
2. 2021 as 1. plus the proposed development.

7.6.32 To consider the traffic impact of the proposal, traffic modelling software packages have been used to model the following junctions:

- a. A339 corridor, Market Place / Cheap Street junction using the Council's VISSIM that covers the A339 and parts of Newbury town centre;
- b. Site Access / Market Street junction;
- c. Market Street / Bartholomew Street signal junction using LinSig software;
- d. Bartholomew Street / Pound Street / Newtown Road signal junction LinSig software.

7.6.33 Regarding the Market Street / Bartholomew Street signal junction, and the Bartholomew Street / Pound Street / Newtown Road signal junction, the LinSig models suggest a limited impact from the development. For instance

the Bartholomew Street / Pound Street / Newtown Road junction is as follows:

<b>Junction</b>	<b>From Arm</b>	<b>2021 without development</b>	<b>2021 with development</b>
Bartholomew Street / Pound Street / Newtown Road	Newtown Road	60	60
	Pound Street	28	28
	Bartholomew Street	44	56

*AM peak average queue lengths in metres*

<b>Junction</b>	<b>From Arm</b>	<b>2021 without development</b>	<b>2021 with development</b>
Bartholomew Street / Pound Street / Newtown Road	Newtown Road	44	44
	Pound Street	28	28
	Bartholomew Street	83	94

*PM peak average queue lengths in metres*

7.6.34 The results suggest a similar limited impact at the Market Street / Bartholomew Street signal junction. However Highway Officers have some concerns. While LinSig is a good modelling software package in modelling traffic signal junctions in isolation, Highway Officers are concerned that traffic will often queue from one junction to another along this route. There are issues with these junctions being that the controller and signal equipment is in need of replacement as it is nearing the end of its life. It would not be justified to ask any development to fund such items as it could be argued that this is replacing equipment that the highway authority should be replacing anyway as part of a usual maintenance routine. However Highway Officers do consider that the development could contribute to the provision of software that would link the junctions more effectively. A financial contribution of £20,000 is therefore sought and has been agreed with the applicants.

7.6.35 Regarding the A339, the junction on the A339 that will have the most impact from the development will be the A339 / B3421 Kings Road / Bear Lane Roundabout. The VISSIM traffic model provides the following results:

Junction	From Arm	2021 without development	2021 with development
A339 / B3421 Kings Road / Bear Lane	A339 (N)	211	233
	Kings Road	140	149
	A339 (S)	251	247
	Bear Lane	145	147

*AM peak average queue lengths in metres*

Junction	From Arm	2021 without development	2021 with development
A339 / B3421 Kings Road / Bear Lane	A339 (N)	30	32
	Kings Road	41	41
	A339 (S)	87	107
	Bear Lane	33	40

*PM peak queue lengths in metres*

7.6.36 Highway Officers are of the view that the development has a limited impact on this junction, and therefore no financial contribution will be sought.

### **Mitigation**

7.6.37 A Travel Plan (TP) is proposed that is described in the relevant section within this report.

7.6.38 Personal Injury Accident (PIA) data has been obtained for the roads surrounding the site. The data available shows that there are no clusters of accidents beyond what would be typical given the traffic flows. Therefore no mitigation is required in this regard.

7.6.39 The existing Market Street / Council office access / Kennet Centre MSCP exit will be retained as a mini roundabout along with the existing pedestrian refuge crossing.

7.6.40 Due to the re-location of the bus station to the Wharf area, a westbound bus stop on Market Street has been incorporated into the development and will be provided by the developer within a lay-by for up to two bus stops. For the eastbound bus stop, highway officers have agreed the provision by the developer of a lay-by for one bus stop. A bus shelter will also be provided on both sides of the road.

- 7.6.41 The existing turn right lane within Market Street for the existing bus station will be removed and new road markings applied.
- 7.6.42 The priority of the junction fronting the West Berkshire Council offices will be altered to give priority to the existing access road that will serve the proposed MSCP. This will consist of changes to white lining and a kerb build out alongside New Market House.

## **7.7 WASTE MANAGEMENT**

- 7.7.1 The Waste Officer raised a number of concerns with the proposal, with regards carry distances from the bin stores (in particular Blocks G and H, where the carry distances are too great for safe collection of bulk bins), provision of separate commercial waste stores within Blocks A, B and C, and the adequacy of the swept path analysis for large refuse vehicles.
- 7.7.2 Amended plans and additional information were therefore submitted which provided a revised swept path analysis for a larger (11.2m) refuse vehicle, which the Highways Officer raises no objections to, and clarification regarding commercial waste storage and carry distances from the bin stores within each Block.
- 7.7.3 In order to overcome the concerns regarding carry distances from Blocks G and H, which remain the main area of concern for the Waste Officer, the applicant proposes collecting waste and recycling from these Blocks using a private waste contractor.
- 7.7.4 The Waste Officer has expressed concerns with the use of a private waste contractor to serve Blocks G and H, owing to the fact that the Local Authority has a statutory duty to collect refuse and recycling from domestic council-tax paying properties. Whilst the Case Officer appreciates these concerns, from a planning point of view, provided the waste is being collected, which can be secured by condition and a legal agreement, there are no planning grounds for refusing the application.
- 7.7.5 In conclusion on this matter, there is nothing to inhibit the collection of waste from any of the proposed development, subject to appropriate agreement and/or the adoption of highway land. Other legislation may require alternative provisions to be made depending on the final outcome of any management agreements. A s106 requirement will be applied to ensure appropriate management is secured where necessary.

## **7.8 TRANSPORT POLICY**

### **Legibility, Wayfinding and Access (for cyclists)**

- 7.8.1 Following comments from the Case Officer and Transport Policy Officer, changes were made to the main northern entrance into the scheme, including replacing the proposed tree with an Echo Circle and incorporating Wayfinding signs across the site. These changes are considered to improve the legibility of the main route to the station for pedestrians and cyclists.

## **Car Parking Provision**

- 7.8.2 Whilst original comments from the Transport Policy team raised no objections to the proposed level of car parking, their position has now changed. The Transport Policy officer is concerned that the proposed level of residential car parking is below the standard set out in Policy P1 of the West Berkshire Council Housing Site Allocations DPD.
- 7.8.3 Whilst they accept that the site can be considered an 'exceptional circumstance' (note iii of Policy P1), and a lower car parking provision can therefore be justified, they do not agree that that these circumstances can justify 108 spaces for 232 dwellings when the policy standard would be for 228 spaces.
- 7.8.4 In order to overcome this issue, it is recommended that a Parking Management Strategy is secured through condition to allow for the use of a defined number of spaces within the MSCP by residents outside of office hours. This solution, in conjunction with measures to encourage other modes of transport contained within the Travel Plan, is acceptable to the Transport Policy and Highways Officers, as well as the applicant.

## **Ramp to Station Level**

- 7.8.5 Original plans proposed to place 'Cyclist Dismount' signs at the top and bottom of the ramp. This is due to the gradient of the ramp (which would increase the speed of cyclists) and the potential conflict between fast moving cyclists and the mobility impaired or other vulnerable users, who are most likely to use the ramp.
- 7.8.6 The Transport Policy Officer raised concerns about the use of such signage, as 'Cyclist Dismount' signs are considered to be very negative and contrary to the aims of the Local Transport Plan and the Active Travel Strategy, which seeks to make cycling at least as desirable as any other mode of transport, with the goal of increasing cycling in the District.
- 7.8.7 To overcome this it was requested that the ramp was widened from 3m to at least 4.5m and the height of edge restraints at either side increased from 1.1m to 1.4m, to allow for fast moving cyclists.
- 7.8.8 Whilst the Case Officer appreciates the concerns of Transport Policy and the need to encourage cycling across the District, a balanced decision needs to be made in terms of the impact the proposed changes to the ramp would have on the visual appearance of the scheme.
- 7.8.9 Currently the visual impact of the ramps and stairs has been reduced through the use of soft landscaping alongside and between the ramps and stairs. A wider ramp would result in the loss of this planting, and the creation of a wide heavily engineered section. Furthermore, it is considered that to increase the width of the ramp by 1.5m would encourage cyclists to travel at greater speeds, thereby increasing the potential for conflict between cyclists and vulnerable users.
- 7.8.10 Given the fact that the majority of pedestrians would use the stairs, it was considered that a compromise could be achieved whereby only minor changes were made to the design of the ramp.

- 7.8.11 The Highways Project Manager was therefore requested to assess the level of usage and design of the proposed ramp. They concluded that:
- In the peak hour it is estimated that the ramp will experience less than 120 pedestrians and 60 cyclists (given most pedestrians will use the more direct stair option). Given these flows, for shared routes the width should be 2.2m with an additional 0.5m at each edge if there is a vertical feature above 0.6m. Given the fact that a railing is proposed, the shared route should be 3.2m.
  - The Transport for London's Cycle Design Guidance says the minimum radius on shared routes should be 14m, so the bend in the route would fall below this. However, the 14m radius is to maintain a given design speed. At this location Highways would actively be looking to reduce cycle speeds (on the down-hill section) as they will need to give way to the more vulnerable users (pedestrians using the stepped walkway). It is therefore argued that a much lower radius would be acceptable along with changes in surface material etc. to further reduce speeds.
- 7.8.12 Amendments to the design of the ramp were therefore sought. These amendments included widening the main section of the ramp by just 0.2m and some minor easing/widening of the bend at the bottom of the ramp to ensure a disability scooter and cycle can comfortably safely pass each other. The Transport Policy Officer finds these amendments to be acceptable.
- 7.8.13 The amendments are considered to offer an acceptable compromise, which would allow the ramp to be used by cyclists and other users whilst maintaining the proposed planting between the ramp and stairs.

### **Travel Plan**

- 7.8.14 A comprehensive Travel Plan is to be secured as part of the S106 Agreement in order to encourage use of sustainable modes of transport and car sharing and will be aimed at residents, employees of the retail units and other facilities and customers. As parking within the development and the surrounding area is limited, the Travel Plan will help reduce the reliance on the car, and therefore reduce the impact of the development on the surrounding highways network. The Travel Plan should include, inter alia, details regarding the location of Electronic Vehicle (EV) charging points within the MSCP, provision of free cycle training to residents with an incentive of a voucher towards a bike or cycle equipment available once the cycle training has been completed and a contribution towards the Car Club.

### **Rail Replacement Coaches**

- 7.8.15 The number of rail replacement coaches catered for and how they can operate has been designed in conjunction with Network Rail. No objections have been received from Network Rail. The provision for replacement rail coaches is therefore considered acceptable.

## **7.9 NETWORK RAIL**

- 7.9.1 Network Rail have raised no objections in principle to the proposal providing any impact on the retaining wall at the back of the existing Network Railway car park (which is to run alongside the proposed Station Approach road) is agreed in advance, this can be controlled by an appropriately worded planning condition.
- 7.9.2 Network Rail also set out a number of requirements for the safe operation of the railway and the protection of Network Rail's adjoining land, covering areas such as fencing, drainage, safety during construction, access to railway, site layout, piling, excavations, signalling, plant/scaffolding and cranes, Party Wall, Method Statements, lighting, safety barrier at railway line, foundations and ground disturbance. The applicants have been made aware of these requirements and informatives are to be attached.

## **7.10 TREES AND LANDSCAPING**

- 7.10.1 The majority of the trees and hedges on the site are approximately 25-30 years old around the banks of the car parks and along Highfield Avenue. The trees are mainly cherry, field maple, maples and poplars, with a Leyland cypress hedge.
- 7.10.2 There are two significant trees on site which are to be retained. The mature Horse Chestnut by the junction of Highfield Avenue and Mayors Lane which is approximately 100 years old and the semi-mature London Plane tree by the junction of Mayors Lane and Market Street, which is approximately 50 years old. There is a significant Yew tree located within the garden of the Quaker meeting house which needs to be protected as part of the development.
- 7.10.3 An Arboricultural Survey and preliminary method statement was submitted with the application which showed the location and position of the trees and their root protection areas shown with tree protection measures. The preliminary arboricultural method statement showed generic detail on how the trees will be protected. The Tree Officer felt that further information was necessary to demonstrate that the retention of the existing trees can be achieved in the medium and long term and that there is going to be minimal pressure on the trees to prune.
- 7.10.4 More detail was also required regarding the proposed planting and management to ensure adequate large long lived species are planted to mitigate against the loss of the trees on the site.
- 7.10.5 Following this request, additional tree protection information and amended soft/hard works plans were submitted. The Tree Officer is satisfied that the additional and amended information is acceptable and that the scheme will ensure that adequate rooting areas would be given to the proposed new planting on site.
- 7.10.6 Within the Root Protection Areas the existing hard surface is to be retained as a temporary ground protection layer during construction rather than being removed through demolition. After the removal of hard standing by hand tools, replacement paving is being installed using a no-dig construction method. The existing sub-base would be de-compacted using an airspace with a soil probe.

This is a recognised method of constructing hard standing within the RPA's of trees. The Tree Officer is satisfied that if supervised by a competent arboriculturalist this would ensure the long term retention of the retained trees.

7.10.7 The Tree Officer therefore raises no objections subject to various conditions.

## **7.11 SUDS**

7.11.1 Core Strategy Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

7.11.2 The applicants have submitted a Drainage Strategy which shows how the scheme will handle surface water drainage.

7.11.3 The SUDS Officer has assessed the Drainage Strategy and whilst they acknowledge that there is likely to be enough capacity in the designed system, they have serious concerns with regards to the lack of green SUDs. They feel that the scheme relies too heavily on permeable paving for storage and attenuation, which they feel has resulted in the scheme being heavily dominated by paving. They have requested that other methods such as planted channels (rills), bio-retention systems, water features and tree pits are incorporated. However, their biggest criticism of the drainage strategy is the omission of any rainwater harvesting.

7.11.4 In terms of the SUDS Officer's concerns about the amount of paving, the Case Officer takes a different stance. Given the site's urban location, and the need to provide carriage-ways of a sufficient width to allow for the movement of pedestrians, mobility impaired users, pushchairs, cyclists, vehicles (on the east – west routes) and refuse turning movements, it is considered that the proposed mix of soft and hard landscaping is acceptable and would not result in a 'sea of paving'. For the reasons given in the design section earlier in the report, it is considered that the scheme offers a high quality attractive public realm that offers a permeable and legible layout, with a seamless series of active streets and spaces.

7.11.5 With regards to the lack of any rainwater harvesting, the applicants have confirmed that the associated cost of providing this type of infrastructure, particularly for the apartments is too great. Instead, the applicant has agreed to provide water butts in the private gardens of the houses to enable rainwater re-use. This will be secured by condition.

7.11.6 Policy CS16 of the Core Strategy also states that surface water should be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SUDs) in accordance with best practice and the proposed national standards, and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits *where possible* such as water quality, biodiversity and amenity. In this case, the provision of other benefits, such as rainwater harvesting, is not possible due to the impact it would have on the viability of the scheme. Furthermore, it would not provide any significant additional benefits to how the development manages surface water run off.



- 7.11.7 However, supporting information submitted with the application (paragraph 6.12 of the submitted 'Preliminary Ecological Appraisal and paragraphs 6.73 and 6.74 of the 'Planning Statement') states that living roofs are to be provided as an ecological feature. Full details of the total area covered, location and type of living roof will be secured by condition as part of an Ecological Management Plan.
- 7.11.8 In terms of run-off rates, it is unlikely that the scheme will achieve greenfield run-off rates and volumes. The preliminary Drainage Strategy submitted with the application states that due to the highly urbanised nature of the site, it is unlikely that these rates will be achieved, instead a reduction of 50% is proposed. Whilst it is accepted that the proposal would fail to fully comply with Policy CS16, it is considered that the economic and social benefits of the scheme would outweigh any harm caused. Furthermore, a condition is recommended requiring a detailed Drainage Strategy, which will be assessed by the LPA in consultation with Thames Water to ensure that the site does not lead to any sewage flooding and to ensure sufficient capacity is made available to cope with the development. Thames Water and the Environment Agency have not raised any objections in relation to this matter.
- 7.11.9 An essential part of the drainage system for the lower part of the site at the MSCP is the need for a pumping system to lift surface water to the higher level. The SUDS Officer is concerned that no details have been provided about what would happen in the event of pump failure and how it would be managed in the long term. Further details are therefore required detailing what the pumping system will involve and how it will operate. It is therefore considered appropriate to request these details by condition to ensure that the development would not result in any flooding of the lower part of the site in accordance with Policy CS16.
- 7.11.10 Thames Water have also assessed the scheme and have raised no objections subject to the inclusion of conditions requiring details of on and/or off site drainage works and impact studies of the existing water supply infrastructure.

## **7.12 ARCHAEOLOGY**

- 7.12.1 The site lies on the fringes of the Medieval core of Newbury, although historic maps suggest that it was mainly open fields until the 19<sup>th</sup> century. Nonetheless, small scale excavations in the North West portion of the site revealed undated ditches, a pit and a post hole dating to the late Medieval or post medieval period. There is also some potential for early prehistoric activity, as the site is close to areas of high potential identified in a predictive model developed as part of a joint project between the University of Reading, Wessex Archaeology and the West Berkshire Council Archaeology Service.
- 7.12.2 However, it is acknowledged that previous activity on the site may have adversely affected in situ archaeological features or deposits. The southern portion of the site was subject to gravel extraction in the late 19<sup>th</sup> and early 20<sup>th</sup> century, which would have destroyed any archaeological evidence, and subsequent housing and the construction of the present bus station structure would also have had an adverse impact on archaeology. Nevertheless, the size

and location of the development requires that some targeted archaeological investigation would be appropriate.

- 7.12.3 As such, the Archaeological Officer suggests the commissioning of a programme of archaeological investigations, to be carried out during the excavation of the foundations and any related groundworks for development in the northern portion of the site – this should include works for Blocks A to D shown on the proposed site plans. This can be secured by applying a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

## **7.13 CRIME AND SAFETY**

- 7.13.1 Policy CS14 of the Core Strategy requires that new developments create safe environments, addressing crime prevention and community safety. This is echoed in paragraph 69 of the NPPF which states that planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

- 7.13.2 Thames Valley Police's Crime Prevention Design Advisor has assessed the plans and is generally satisfied with the level of natural surveillance the scheme offers as a result of its mix of uses and active frontages.

- 7.13.3 However, they expressed concern with regards to the internal layout of some of the blocks, in particular Block H. Essentially the residential core on the first floor of Block H is served by two entrances which provide access to the entire residential corridor and all the floors above. They felt that this level of permeability throughout the entire first floor had the potential to lead to opportunities for crime and disorder. In order to overcome this, they recommended splitting the first floor residential corridor into 2 smaller areas by inserting a central spine (similar to the floors above) and an additional lobby serving the eastern core of the block. This would not only create 2 smaller 'communities' at first floor level, but would also reduce the number of escape routes and limit the number of people that are able to access the upper floors.

- 7.13.4 It was also requested that the first floor of Block G be amended by creating an airlock within the ground floor communal entrance, again to reduce the level of permeability within the building.

- 7.13.5 Whilst it is acknowledged that the internal layout of the building is not a planning matter as it does not fall within the definition of 'development', the applicant agreed to amend the internal layout of the first floor of Blocks G and H in accordance with the advice of the Crime Prevention Design Advisor. They also provided confirmation that postal deliveries will be handled within the secure (access controlled) air lock lobby and that only residential access will be provided beyond this point.

- 7.13.6 In terms of the undercroft car park below Blocks G and H, the Crime Prevention Design Advisor notes that secluded undercroft parking facilities that are not secured can quickly become problematic as due to their design they lack natural surveillance and ownership. They therefore recommend that the vehicle and

pedestrian entrance gates be made secure through the inclusion of electronic gates or shutters (that incorporate an access control system that allows the driver to operate the system without leaving the vehicle). They recommend that this is secured through a condition. It is considered that such a condition would ensure that the scheme offers a safe environment for future residents of Blocks G and H, in accordance with Policy CS14 and the NPPF.

- 17.13.7 The Crime Prevention Design Advisor has recommended that a condition is attached which ensures that Secured by Design (SBD) accreditation is achieved. Again it is considered that such a condition is reasonable, relevant to planning and necessary, as it would ensure that the scheme offered a safe environment for future residents of Blocks G and H, in accordance with Policy CS14 and the NPPF.

## **7.14 FLOOD RISK**

- 7.14.1 The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 strictly applies a sequential approach across the District. The application site is located in the Environment Agency's Flood Zone 1, which has the lowest probability of fluvial flood risk. Residential development is therefore generally considered appropriate in flood risk terms.

- 17.14.2 The responsibility for assessing surface water drainage proposals for major applications is now with the Lead Local Flood Authority (LLFA). The submitted Flood Risk Assessment shows the land to have a low probability of flooding from all sources including surface water and groundwater. It is considered that the development complies with NPPF sequential test and the associated parts of Core Strategy Policy CS16.

## **7.15 ECOLOGY**

- 7.15.1 The Berkshire Buckinghamshire Oxfordshire Wildlife Trust (BBOWT) Wildlife Conservation Officer has provided the following comments.

### **Protected species – Reptiles**

- 7.15.2 Ecological survey documentation submitted in support of the current application identifies an exceptional population of slow worms within the proposed development site and that the proposed development will result in total loss of all supporting habitat.
- 7.15.3 All native UK reptile species are legally protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended) and as such are protected from being killed or injured. UK Native species are also listed as a species of Principle Importance within the Natural Environment and Rural Communities Act 2006.
- 7.15.4 Therefore, to ensure the conservation and enhancement of this protected species in accordance with the NPPF and Policy CS17 of the WBCS, it is recommended that a planning condition is imposed which requires the applicant to submit an appropriately detailed reptile translocation and receptor site

enhancement strategy prior to the commencement of development. The strategy should identify how the proposed mitigation and enhancement measures are to be maintained and secured for the long-term.

### **Landscape and Ecological Management Plan**

- 7.15.5 The Preliminary Ecological Appraisal submitted in support of this application makes a number of recommendations for inclusion of ecological features (paragraph 6.12). However, these recommendations are not quantified.
- 7.15.6 The NPPF is clear that a key role of the planning system is to conserve and enhance our natural environment. It goes on to state that 'Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment' (paragraph 9). In relation to the natural environment, this means providing net gains in biodiversity where possible (paragraph 109) and finding 'opportunities to incorporate biodiversity in and around developments' (paragraph 118).
- 7.15.7 Therefore, it is recommended that a planning condition is included which requires the development to be implemented in accordance with an appropriately detailed landscape and ecological management plan based on the recommendations of the Preliminary Ecological Appraisal submitted with the application. This is to ensure that the development conserves and enhances biodiversity in accordance with the NPPF and Policy CS17 of the WBCS.

### **7.16 CONTAMINATED LAND**

- 7.16.1 The applicants have submitted a Preliminary Geotechnical and Geo-Environmental Assessment which notes that the main potential source of contamination is considered to be Made Ground used to infill the former gravel pit that once existed on this site. There is also some potential for localised contamination associated with the former tank and electrical substations. The report outlines the results of preliminary ground investigation and recommends that a detailed remediation and verification process could be required through condition.
- 7.16.2 The Environment Agency (EA) have assessed the Preliminary Geotechnical and Geo-Environmental Assessment and have not raised any objections in principle subject to various conditions requiring, inter alia, a preliminary risk assessment, a site investigation scheme, an options appraisal and remediation strategy, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and controls over piling or any other foundation designs using penetrative methods.

### **7.17 MINERALS**

- 7.17.1 At the request of the Minerals and Waste officer, and in accordance with policies RMLP1 and RMLP2 of the Replacement Minerals Local Plan for Berkshire, the applicant submitted further information (namely the Mineral Safeguarding Report V2 dated 4<sup>th</sup> August 2016 and the Geotechnical and Geo-Environmental Interpretative Report dated June 2016) regarding the extent and quality of possible minerals deposits beneath the site.

- 7.17.2 The reports identified the presence of mineral deposits beneath the surface. Having considered these reports, the Minerals and Waste Officer is satisfied that, whilst there is a mineral deposit located beneath the application site, the deposit itself is limited and the location of the deposit within the site, in combination with the significant amount of excavations / fill operations required to deliver the proposal, and the constraints surrounding the site would make the working of the minerals complicated. As such the volume of potential minerals extraction that could be realised would be minimal.
- 7.17.3 The Minerals and Waste Officer agrees the extraction of such a small volume of minerals would not be viable when considered against the costs associated with delivering the minerals as part of the proposed development.
- 7.17.4 Therefore no objections are raised to the proposed development.

## **7.18 ENVIRONMENTAL HEALTH**

- 7.18.1 The Environmental Health Officer has not raised any objections to the proposal but has identified a number of issues relevant to planning, in which conditions will be required to ensure that the development does not cause any harm to the amenity of surrounding and future residents. The issues are as follows:
- Noise
  - Contamination
  - Light Nuisance
  - Air Quality
  - Cooking odour from restaurants and cafés

### **Noise**

#### Road and Rail traffic noise and vibration

- 7.18.2 The Noise and Vibration Assessment submitted with the application (KP Acoustics Dec 2015) identifies road and rail traffic noise as a significant source of noise in the vicinity of the development site and mitigation in the form of double glazing is recommended for the various elevations of residential properties. To ensure the specification of the glazing and ventilation is adequate, details for each area of the site (as listed in table 6.2 of the Noise and Vibration Assessment) should be required through condition.
- 7.18.3 The Environmental Health Officer notes that external noise levels in external amenity areas (including private gardens) have not been considered in the submitted noise assessment and existing noise levels within the site (away from site boundaries) has not been measured. They therefore recommend a condition requiring further assessment of the predicted noise levels within the private gardens of the residential units, to determine whether any mitigation measures are necessary. Following further discussions with the Environmental Health Officer, it is clear that the only feasible mitigation measures would be the erection of fencing (which will be agreed pursuant to condition), as the site layout and orientation of the buildings are fixed. Taking into account the town centre location, there are not considered to be any reasons to object on this basis.

7.18.4 No concerns have been raised about vibration from the railway.

#### Construction Site Noise

7.18.5 There are existing residential properties in the vicinity of the application site that could be disturbed by noise from construction activity. It is therefore recommended that a standard condition is imposed to limit the permitted hours of construction for noisy operations.

#### Operational Noise – Fixed plant and equipment

7.18.6 No detail of any plant and equipment to be installed has been provided with the application. As this is a mixed use development, noise from air handling plant, refrigeration units, extractor fans etc. could cause disturbance to residents, particularly those living near to or above commercial /retail units. A condition is therefore recommended to limit noise emitted from such plant and machinery.

#### Operational Noise – Deliveries and Servicing

7.18.7 Deliveries to the various commercial units proposed (offices, retail, restaurants cafes etc) could cause disturbance to future residents living in close proximity. Therefore a condition is recommended to ensure that no deliveries take place outside the hours of 0600 - 2300.

#### Operational Noise – Cafes, Restaurants and Drinking Establishments

7.18.8 Noise from drinking establishments, cafes etc could cause disturbance to residents particularly if external areas for drinking and eating are proposed. Therefore a condition is recommended to ensure that the external areas are not used outside the hours of 0700 – 2300.

### **Air Quality**

7.18.9 The Air Quality Assessment (REC Dec 2015) submitted with the application considers fugitive dust emissions from the site during construction and the wider impact on local air quality during the operational phase.

7.18.10 There is a potential for dust nuisance to be caused during the construction phase unless appropriate dust control measures are adopted and maintained. A condition is therefore recommended requiring submission of a dust mitigation scheme for approval.

### **Odour**

7.18.11 The application proposes flexible commercial floor space (Class A1 (retail) / A2 (financial services)/A3 (restaurants and cafes) / A4 (drinking establishments) or B1 (offices)). With A3 and A4 premises there is potential for cooking odours to impact on residential amenity. To ensure that odour from a food business will be minimised and controlled, a condition is recommended requiring details of any ventilation and filtration equipment.

## **7.19 ENERGY**

7.19.1 Policy CS15 of the Core Strategy requires the following minimum standards:

- Major residential development - Code For Sustainable Homes Level 4
- Minor non-residential development – BREEAM Very Good
- Major non-residential development – BREEAM Excellent

7.19.2 Policy CS15 also requires that major residential developments achieve Zero Carbon emissions from 2016 and major non-residential development achieve a 20% reduction on CO2 emissions, unless it can be demonstrated that such provision is not technically or economically viable.

7.19.3 Amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015 removed the relevant sustainable construction and energy efficiency parts of the Planning and Energy Act 2008.

7.19.4 These changes in Government policy have meant that the Council are no longer seeking compliance through the planning system. Standards for sustainable construction and energy and water efficiency will be met in line with other non planning regulations and requirements.

### **Residential Development**

7.19.5 The applicant has submitted an 'Energy Strategy' and a 'Sustainability Statement', which set out the different measures that are to be incorporated into the development in order to improve the environmental performance of the development.

These measures include:

- BREEAM Very Good for commercial areas;
- Use of passive design and energy efficient measures to reduce energy and CO2 emission by 8.7%;
- Installation of photovoltaic panels covering 90 square metres;
- Water saving measures;
- Sustainable construction practices.

7.19.6 It is recommended that a condition is attached to any consent ensuring that the energy reduction measures proposed in the 'Energy Strategy' and 'Sustainability Statement' are implemented in full and that full details of the type and location of the proposed photovoltaic panels are submitted to and approved by the Local Planning Authority.

7.19.7 The applicant has considered the use of renewables but advise that they would seriously impact the financial viability of the scheme. This is confirmed in their Viability Assessment.

### **Non-Residential Development**

7.19.8 The non-residential elements of this scheme make up less than 1,000 square metres. The Sustainability Report explains that due to the size and nature of the

commercial units, BREEAM Excellent is impractical; instead the requirements for minor non-residential development should be applied, which are for achievement of BREEAM Very Good. The Sustainability Statement sets out how the scheme could achieve a Very Good rating.

- 7.19.9 The Case Officer agrees that due to the scale of the commercial areas it is reasonable to accept the rating of BREEAM Very Good in this instance.

### **Conclusion on Energy**

- 7.19.10 It is acknowledged that the scheme does not fully comply with the requirements of Policy CS15. However, it is considered that the scheme has many attributes (which are set out in this report) which make it highly sustainable, not just in an environmental sense (in terms of enhancing the appearance of this part of the town centre), but also economically and socially.
- 7.19.11 It is also acknowledged from the viability assessment submitted with the scheme, that the financial costs of achieving Zero Carbon emissions are such that the scheme would be unviable. Furthermore, the Government's intention is now to achieve sustainable construction through the Building Regulations.
- 7.19.12 Therefore, it is considered that the failure to meet the full requirements of Policy CS15 is outweighed by the social, economic and environmental benefits of the development.

## **7.20 AFFORDABLE HOUSING**

- 7.20.1 Policy CS6 of the WBCS requires that on development sites of more than 15 dwellings (on previously developed land) 30% affordable housing provision will be sought. It goes on to state that proposed provision below these levels should be fully justified by the applicant through clear evidence set out in a viability assessment (using an agreed toolkit) which will be used to help inform the negotiating process.
- 7.20.2 Policy CS6 echoes the Government guidance and PPG which seek to ensure that affordable housing requirements do not render schemes unviable. The Government places great weight on the need to ensure a positive approach to planning to enable appropriate, sustainable development to come forward wherever possible. PPG 'Viability' states that 'Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to become unviable, the local planning authority should be flexible in seeking planning obligations'.
- 7.20.3 PPG 'Viability' sets out the factors which are to be taken into account when assessing viability. The main factors include the following:
- Gross Development Value – this will comprise the assessment of the total sales or in this case the capitalised rental income from the development.
  - Costs – based on robust evidence which is reflective of market conditions.
  - Land Value – this should reflect policy requirements, planning obligations; CIL payments. It should also be informed by market based evidence.



- 7.20.4 The NPPF states that viability should consider 'competitive returns to a willing landowner and willing developer to enable the development to be deliverable'.
- 7.20.5 As identified earlier in the report, the applicant has provided a Viability Assessment with the application. Due to the commercially sensitive nature of the information contained therein it is held confidentially. Similarly the advice received from the Council's consultant on this matter is also held confidentially.
- 7.20.6 The Viability Assessment sets out why the scheme is not considered to be viable with the provision of 30% on-site affordable housing provision (equivalent of 69 units) or an off site affordable housing contribution. It sets out that the maximum level of affordable housing that could be provided, before the scheme becomes financially unviable, would be 5.6%, or 13 units. These units would be shared ownership units, the location of which would be determined within the S106 agreement.
- 7.20.7 The Council's Independent Consultant (Alder King) has reviewed the information and independently concludes that the scheme's financial viability is such that 5.6% affordable housing provision is the maximum that could be provided before the scheme becomes financially unviable.
- 7.20.8 Deliverability is a key component of the NPPF, and should be given significant weight both in the plan making process as well as decision making on individual planning applications. Whilst the demand for affordable housing within the District is high, this needs to be balanced against the necessity to see new homes delivered.
- 7.20.9 Overall, from the evidence provided in the form of a Viability Assessment and the professional advice received from the Council's consultant, it is considered that the provision of a reduced level of affordable housing is justified in this instance.
- 7.20.10 Whilst the level of proposed affordable housing is disappointing on such a significant town centre site, the remaining 219 residential units are to be Private Rented Sector (PRS) housing.
- 7.20.11 PRS schemes are purpose built large-scale private rented sector developments of flats and/or houses owned by institutional investors, property companies, housing associations and property management organisations over the long-term. They provide professionally managed, high quality private rented housing. PRS schemes are encouraged by the Government due to the fact they offer increased housing choice for people priced out of the open market (referred to as the mobile intermediate market; people who are not eligible for social housing, yet cannot afford to own their own home). They also result in rapid and high volume delivery of quality new housing; boosting flexibility, choice and affordability.
- 7.20.12 Therefore, whilst it is possible that PRS housing may be unaffordable to most households whom the Council owe a statutory housing duty to, they do offer increased housing choice to many.
- 7.20.13 To ensure that these homes remain available to rent only for a minimum period, the PPG 'Viability' advises that planning obligations may be used to secure such

fixed periods. This provides LPAs with the reassurance that schemes will not be broken up and sold on the open market for quick, elevated returns. It is therefore recommended that a covenant be included in the S106. A reasonable time period, as evidence by PRS schemes elsewhere, is considered to be 10 years.

## **7.21 CIL AND S106 CONTRIBUTIONS**

- 7.21.1 Core Strategy Policy CS5 seeks to ensure the timely delivery of infrastructure made necessary by development, Policy CS6 seeks to secure affordable housing, and Policy CS13 seeks to ensure appropriate highways mitigation. The Council's adopted Planning Obligations SPD outlines the Council's approach to securing planning obligations for such matters.
- 7.21.2 Following the adoption of the West Berkshire Community Infrastructure Levy (CIL) on 1<sup>st</sup> April 2015, the proposed development is CIL liable based on a retail rate of £125sqm and a residential rate of £75sqm. The CIL will fund most infrastructure mitigation in accordance with the SPD and the Council's CIL Regulation 123 list.
- 7.21.3 With regards to the S106 request from Education, legal advice was sought to determine whether or not it complied with the Council's CIL Regulation 123 list. Legal advised that a specific infrastructure project (which sought to mitigate the impact of the development) would be required so that the mitigation falls outside of the CIL Regulation 123 List. Unfortunately, at the present time Education is unable to identify a specific infrastructure project required as a result of this development. Therefore, any works required to mitigate against the impact of the development on primary school provision, will need to be paid out of CIL receipts.
- 7.21.4 A planning obligation is, however, required to secure:
- Affordable housing (location to be agreed prior to commencement of development);
  - A Travel plan (including, inter alia, details regarding the location of Electric Vehicle (EV) charging points within the MSCP, provision of free cycle training to residents with an incentive of a voucher towards a bike or cycle equipment available once the cycle training has been completed and a contribution towards the Car Club);
  - An Employment Skills Plan;
  - That the private residential units remain available to rent for a minimum period of 10 years;
  - A requirement to ensure appropriate waste collection from Blocks G and H;
  - Viability Review; and
  - A financial contribution of £20,000 towards the provision of software that would link the Market Street/Bartholomew Street and the Bartholomew Street/Pound Street/Newtown Road signal junctions.
- 7.21.5 These heads of terms have been assessed against the CIL Regulations, and are considered necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

7.21.6 The recommendation is therefore subject to completion of a S106 Legal Agreement to secure these heads of terms, in order to ensure the development complies with the aforementioned policies.

## **7.22 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

7.22.1 When considering development proposals, the Council is required to take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

7.22.2 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.

7.22.3 The proposal would deliver economic, social and environmental benefits, as outlined in detail in section 7.1.

7.22.4 The proposal will make a contribution to the local economy through the creation of jobs both on a temporary basis during the construction period and thereafter when the development is completed. Furthermore, future residents would make a contribution to the local economy by increasing spend within the town centre.

7.22.5 The development would bring social benefits in terms of providing quality housing required to meet the needs of present and future generations, including affordable housing.

7.22.6 The environmental considerations have been assessed in terms of the impact on the character and appearance of the area, ecology within the site, local drainage systems, the amenity of neighbouring residents, trees within the site, archaeology, contamination, energy reduction measures and sustainable forms of transport.

7.22.7 For the reasons set out in the sections above, it is considered that the proposed development is considered to represent sustainable development.

## **7.23 NON PLANNING MATTERS**

7.23.1 A letter of representation has been received raising objections to the fact that the proposal does not include a pedestrian bridge over the railway, connecting the south side of railway with the north side. However, this land is outside of the applicant's control and such a facility is not considered necessary to make this development acceptable in planning terms.

## **8. CONCLUSION**

8.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that having regard to the clear reasons to support the development, the proposed development is considered to be acceptable and a conditional approval is justifiable for the following reasons.

- 8.2 The proposal is a comprehensive, residential-led, mixed use redevelopment of a previously developed site in a highly sustainable town centre location. It will significantly improve the environmental quality of the site and the town centre in general. The proposal will also improve the quality of the retail and other services available in the town centre, provide housing, create long term employment and attract further investment in the town centre, consistent with the sustainability objectives set out in National and Local Planning Policies and Guidance.
- 8.3 Furthermore, the principle of the scheme is also in accordance with the Newbury Vision 2026 (October 2014) and the Market Street Urban Village Planning and Design Brief SPD (2005).
- 8.4 The scheme will provide an impressive gateway into Newbury from the train station, which will help promote and enhance the existing town centre.
- 8.5 It is considered that the scheme has been designed to a high standard, taking design cues from the surrounding Conservation Area, e.g. in its use of materials, gabled roof forms, vertically proportioned buildings, plot widths. The applicants have used various design devices to break up the scale and massing of the buildings.
- 8.6 The application is therefore recommended for conditional approval.

## 9. FULL RECOMMENDATION

**DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 9.1) and subject to the completion of a Section 106 Legal Agreement (Heads of Terms set out at 7.21.4) by 31<sup>st</sup> December 2016

### 9.1. 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  
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 P01 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 P01 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  
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;
- (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).

#### 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 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 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 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, lumination 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.

OR

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 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 until full details of the solar photovoltaic panels to be included within the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include number, type and location of the solar photovoltaic panels.

The solar photovoltaic panels shall thereafter be 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).

### 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 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 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;

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 dwelling shall be occupied 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) 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) Details of the time period between which residents of the scheme can use the car park spaces allocated under (a).
- 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.

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 full details of how refuse and recycling are to be collected from Blocks G and H have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the refuse and recycling shall be collected from Blocks G and H in accordance with the approved details.

Reason: The Council's waste contractors are unable to collect refuse/recycling from Blocks G and H owing to excessive carry distances. This condition is therefore required to ensure the weekly collection of refuse and recycling from Blocks G and H by a private waste contractor. 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).

#### 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 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 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. No part of the development shall be taken into use until the works have been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an 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

No part of the development shall be taken into use until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept

available for parking (of private motor cars and/or light goods vehicles) at all times.

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

#### 45. Cycle parking

No part of the development shall be taken into use until the 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 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

No development shall take place until details of 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).

### **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

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)

## 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 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. 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 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.

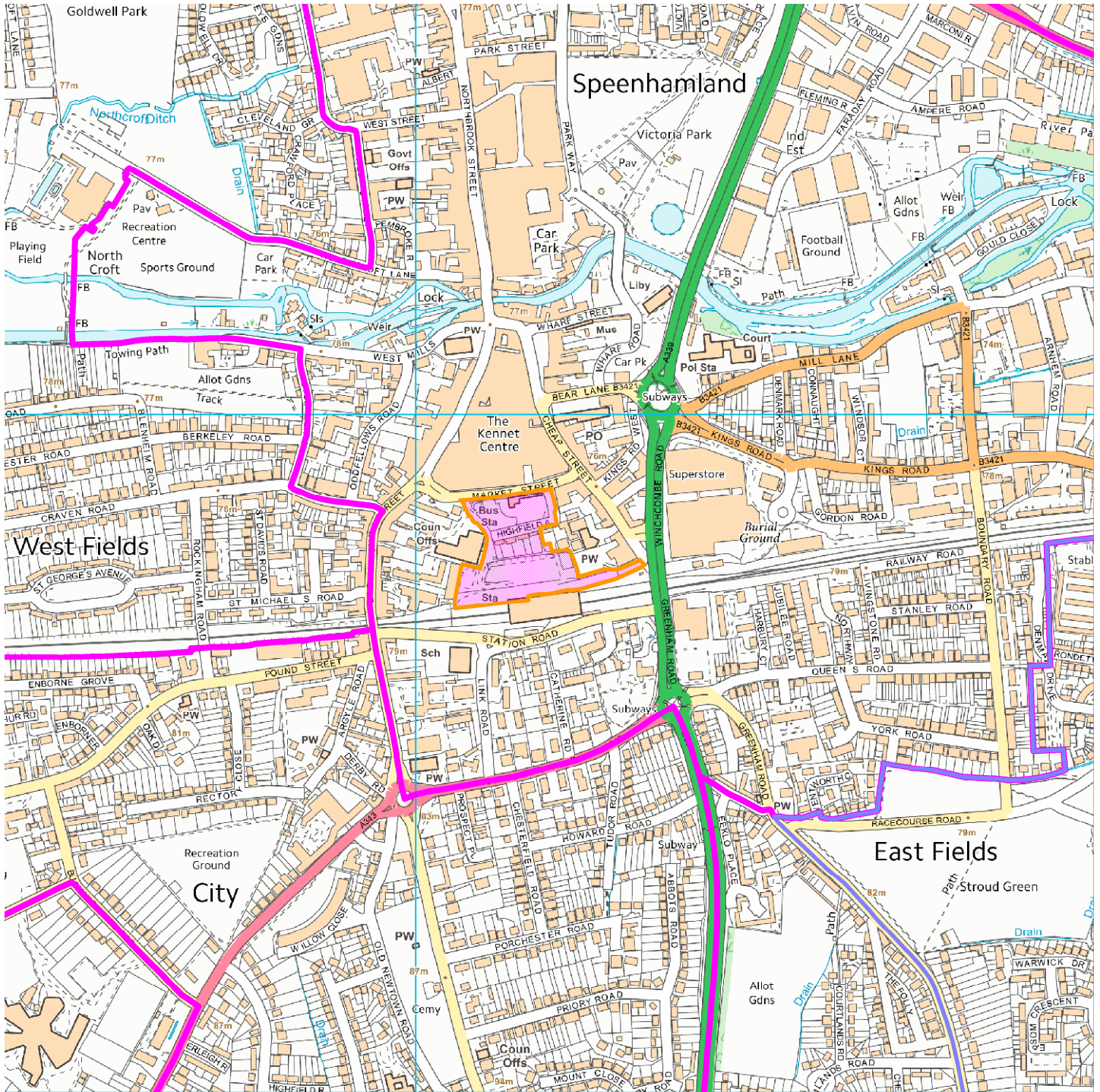
#### **Alternative Recommendation**

- 9.2 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.

Market Street Redevelopment, Newbury



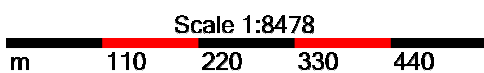
Map Centre Coordinates :

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	
<b>Date</b>	09 November 2016
<b>SLA Number</b>	0100024151



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# Agenda Item 8.

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(2)	16/01489/OUTMAJ Cold Ash Parish	Originally 30 August 2016. Extensions of time agreed.	Erection of 75 dwellings with associated access and landscaping with open space improvements.  Land at Coley Farm, Stoney Lane, Cold Ash.  Donnington New Homes.

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/01489/OUTMAJ>

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

**Ward Member(s):**                                Councillor Simpson.

**Reason for Committee determination:**                    The Council has received in excess of 10 letters of objection. In addition - called in by Ward Member.

**Committee Site Visit:**                                17<sup>th</sup> November 2016

## Contact Officer Details

**Name:**    Michael Butler  
**Job Title:**    Principal Planning Officer  
**Tel No:**    (01635) 519111  
**E-mail Address:**    [michael.butler@westberks.gov.uk](mailto:michael.butler@westberks.gov.uk)

## 1. Site History

08/00348/outmaj. Construction of 33 dwellings with new outdoor play facility for those with special needs. Withdrawn November 2008.

## 2. Publicity of Application

Site notice displayed 15<sup>th</sup> June 2016. Expiry 6<sup>th</sup> July 2016.

Amended plans - site notice displayed 27<sup>th</sup> October 2016. Expiry 10<sup>th</sup> November 2016.

## 3. Consultations and Representations

<b>Cold Ash Parish Council</b>	Objection. Overdevelopment of the site, too many dwellings, site will urbanise the locality, in fringes of the AONB, space for play should be provided on site, not on adjoining area, dangerous access to the site, traffic pressures in the vicinity will be exacerbated, Stoney Lane is too narrow, flooding and run off issues, still object as the Parish did to the original housing allocation.
<b>Newbury Town Council</b>	No objection/ comment. The reassurances of the applicant about the widening of Stoney Lane, the provision of affordable housing, the management of surface water run off and the play areas allayed future concerns of the Council.
<b>Highways</b>	Amended plans. Recommends conditional permission.
<b>Archaeologist</b>	Site of some archaeological interest – condition to be applied re. survey prior to commencing on site.
<b>Thames Water</b>	Grampian condition will be applied regarding drainage strategy on and off site should permission be granted. Water infrastructure capacity adequate. The SUDs proposal on site is commended by TW.
<b>Fire Service</b>	The applicant is required to provide fire hydrants on the site.
<b>Environmental Health</b>	A Construction Environmental Management Plan is recommended in order to avoid disturbance to neighbours during building. In addition land contamination should be conditioned.
<b>Housing</b>	The applicant is proposing 40% affordable units which accords with policy. [30 units]. Accept - if permission is granted a s106 obligation should be agreed to achieve this.
<b>Open Space</b>	Conditional permission, plus commuted maintenance sum be included in any s 106 obligation, for the open space to be adopted.
<b>Waste Services</b>	Conditional permission is recommended.
<b>Tree Officer</b>	The present hedgerow to be cut back/ removed in order to achieve the access/visibility splays/widening of the road needs to be examined more closely – amended plans submitted. Views awaited.



<b>Landscape Consultant</b>	The submitted LVIA is comprehensive. Key areas of concern remain on the effect on Stoney Lane, effects on views from that Lane, local changed views from footpath to the north, and effect on residential views on houses to the south east. Additional information accordingly requested. Consulted on revised LVIA submitted.
<b>Planning Policy</b>	The development of this site is accepted in principle given it is one of the allocations in the HSADPD. [policy HSA3] Detailed comments made but no fundamental objection to the layout as proposed.
<b>Minerals Officer</b>	Possibility of minerals aggregates being found on site, during construction phase. Conditional permission recommended.
<b>SUDS</b>	Some detailed points made, but do not object overall to the scheme on drainage grounds. Conditional permission is recommended.
<b>Transport Policy</b>	The application site is located in a reasonably sustainable location. However a cycle parking, travel plan and electric vehicle charging point should be conditioned in any permission.
<b>Natural England</b>	Applying the precautionary approach given the River Lambourn SAC lies within the drainage catchment of the site, further SUDS details are requested to ensure this SSSI will not be harmed by the scheme.
<b>Education service</b>	Whilst it is recognised that there will be an inevitable impact on local primary school capacity, given this is an allocated site the impact is recognised in the Local Plan IDP so CIL will be adequate to mitigate the education impact.
<b>Public representations</b>	<p>24 letters of objection received. Based upon the following issues. Traffic impact , poor width of Stoney Lane, impact on hedgerows, impact on local facilities, sewerage and drainage issues, loss of view, landscape impact. No need for more housing, application is premature, does not respect the character of the area, increase in accidents likely, potential future flooding impact, impact on public open space. Impact on local wildlife, urbanisation of the area. Application should be refused.</p> <p>6 additional letters of objection following the receipt of amended plans. Concerns similar to the above, plus specific impact on trees and hedgerows, drainage issues, sustainability issues [lack of] poor location to schools, traffic, poor design. Application should be rejected.</p>

#### **4. Policy Considerations**

National Planning Policy Framework 2012.  
National Planning Practice Guidance 2014.  
West Berkshire Core Strategy 2006 to 2026.  
HSADPD November 2015. Policies GS1 and HSA3 – Coley Farm.  
Policies ADPP1, CS1, CS4, CS6, CS13, CS14, CS16, CS18, and CS19.

## **5. Description of development.**

- 5.1 The application comprises the demolition of an existing farmhouse with associated farm buildings and the erection of 75 dwellings with two associated accesses onto Stoney Lane to the north east of Newbury, but in Cold Ash Parish. The site area is 3.75ha in extent [4.122ha including the revised access arrangements] and comprises, in addition to the building above, pastureland and so it is effectively greenfield land. It also currently lies outside the defined settlement boundary of the town of Newbury and indeed Cold Ash. To the north lies a substantial hedgerow and fields, to the west Stoney Lane and existing housing, to the south existing public open space and existing dwellings - Wansey Gardens and Laud Close. To the east, lies further open fields. The application is submitted in outline form at this stage with the means of access and layout to be agreed at this juncture. The overall density of the proposal will equate to 20 units per ha.
- 5.2 As part of the application scheme, it is proposed to include 40% of the dwellings for affordable purposes, which will be located around the site, in accord with policy CS6 in the Core Strategy. In addition, in order to provide SUDS capacity on this sloping site [north to south] there are to be two basins, the eastern one to be fully landscaped. In addition, Stoney Lane itself is to be widened to a minimum of a 5.5m carriageway width, from the Pine Ridge access to the principal vehicle access facing "Wayside" in the west. In order to satisfactorily accommodate this width, the hedgerow will be required to be cut back, with a new footpath accommodated within the Council owned existing public open space leading up from opposite No. 63 Stoney Lane to the north. In order to continue this path from the main access one will be accommodated in the site up to the next access point opposite "Newlyn".
- 5.3 In terms of the type and scale of housing proposed, there is to be a total of seventeen 4/5 bed houses, twenty four 3 bed houses, twenty two 2 bed houses, four 1 bed flats and eight 2 bed maisonettes. [75 total]. As regards on site parking provision, this will accord with the requirements of policy P1 in the HSADPD as revised / modified. This will mean a total of 162 allocated spaces [including driveways and garage ports] 24 garages, 17 non allocated spaces and 11 visitor spaces. This means a total of 214 spaces on site which is an average overall of 2.85 spaces per unit.
- 5.4 The case officer has formally advertised the application as a Departure from the Development Plan as, when it was first submitted in May 2016, it was considered that it still comprised such a Departure. Substantially more weight can however now be applied to the application as it is post first stage modification process in regard to the Inspectors report, on the Council HSADPD. In addition the application was not required to be formally screened under the 2011 Environmental Impact Assessment Regulations [as amended in 2015] since under Schedule 2 part 10 [b] [urban development projects] the site is less than 5 ha in extent, it is fewer than 150 dwellings and it does not lie in the AONB.

## **6. Consideration of the Development**

The application will be examined under the following considerations.

- 6.1 - Policy position.
- 6.2 - Access issues.
- 6.3 - Visual impact.
- 6.4 - Other issues.

### 6.1 - Policy position.

- 6.1.1. The Committee will appreciate that the application site is one of the many housing allocated sites in the District proposed by the Council in order to achieve the relevant 5 year housing

land supply, in order to meet the needs of the District's population for new housing, including affordable accommodation. In the HSADPD of 2015, **Policy GS1** sets out the relevant development control criteria which needs to be addressed when assessing such applications. These [inter alia] correspond to a masterplan which will coordinate the provision of the necessary infrastructure, an integrated water supply and drainage strategy, including no detrimental impact on interests of ecological importance, measures to improve accessibility, internal walking routes, mitigation of impact on the local road network, consideration of mineral deposits, and the submission of a LVIA where necessary. In addition the specific site allocation policy as noted under **HSA3**, sets out the above issues in more detail, in particular in seeking to reduce the impact of the development on Stoney Lane. Accordingly, it is correct to say that assuming all the above "technical" issues are considered to be satisfactory by officers, then the principle of the new build on this greenfield site outside any settlement boundary is accepted, under the Core Strategy.

- 6.1.2 The HSADPD has been under the scrutiny of the Inspectorate over the summer as the Committee will know. The Inspector has recently set out his proposed modifications to the Plan [without prejudice] which do not include any further alterations to the allocation concerned. Accordingly **substantial weight** can now be attached to the application as being in conformity with the present Council Development Plan. As such, if the Committee are minded to approve the application it is not required to be referred to DPC. However the corollary of this is that if the Committee are minded to refuse the application it would need to be referred up to DPC.

#### POLICY ANALYSIS.

a - Policy **ADPP2**. This sets out the need for Newbury to accommodate new housing sites on its periphery as allocated, as identified in the SHLAA.

b - Policy **CS1 Delivering new homes**. This is self explanatory, but it is recognised that in terms of the "sequential test" for housing, the erection of dwellings on greenfield sites is certainly lower in the hierarchy than say, for example, brown field sites.

c - Policy **CS4 Housing type and mix**. This policy seeks to obtain lower housing densities where necessary. For example figures of below 30 dwellings per ha [gross] can be acceptable. This is the case in this application which is just 20 units per ha. This is done in order to respect the prevailing suburban nature of the surrounding housing to the west and south.

d - Policy **CS5 Infrastructure Delivery**. The Committee will be aware of the new CIL charging procedure and the Education service have accepted that, notwithstanding the impact the additional school age children will have particularly upon the local primary school catchments, CIL will be adequate in this regard. The additional highways works needed will be done at the Developers' expense via a s278 agreement.

e - Policy **CS6 Affordable housing**. This requires 40% of the units to be affordable. The applicants have accepted this. No viability assessment has been submitted in this respect.

f - Policy **CS13 Transport**. This relates to how new development will have its transport impact reduced where at all possible. This is addressed in the access situation, but, in summary, the officer considers the highways / access issues are now acceptable.

g - Policy **CS14 Design principles**. It is considered that the proposed layout addresses all the concerns raised by officers although not the objectors. In particular, the additional set back of the new housing away from Stoney Lane in the amended plans has helped to reduce the visual impact upon the rural nature of the Lane in question, the closest building to the carriageway edge [east] will be plot 21 which is 10m distant. In addition, in relation to surrounding existing dwellings the nearest dwelling across Stoney Lane will be Wayside at

30m distance from plot 72. To the south plot 42 will be 20m away from the nearest dwelling in Laud Close. These separations are all believed to be entirely adequate.

h - Policy **CS16 Flooding**. The Council SUDS officer has accepted the scheme as proposed and is recommending conditional permission. In addition Thames Water are expressing the need for a Grampian condition in relation to surface water and sewerage output. Accordingly, notwithstanding some of the objections raised by local people, it is considered the scheme will comply with this policy; development cannot begin until the pre conditions are met.

i - Policy **CS17 Biodiversity**. Natural England have raised some concerns over the potential impact of increased [possibly polluting] surface water drainage seeping into the catchment of the River Lambourn, a SSSI. Whilst these concerns are understood, it is considered that the distance to the Lambourn is considerable and secondly the pre conditions in the drainage section above will remove objections in this regard.

j - Policy **CS18 Green infrastructure**. This includes grasslands and public open space. Clearly, in allocating this housing site, there will be a loss of open agricultural land which is regrettable. On the other hand, the application will enhance the present open space to the south with a new Local Area of Play, with enhanced landscaping around sections of the site. Measured against this is the inevitable impact on the attractive and mature hedge on the east side of Stoney Lane. So it is argued that in fact the application does not comply with the policy, but must be weighed against the other benefits arising.

k - Policy **CS19 Landscape character**. This will be considered in a separate section, but suffice it to say that the officer is satisfied that this policy is met, notwithstanding the obvious and inevitable relative degree of visual impact a scheme of 75 dwellings will have upon the area.

6.1.4 In conclusion, with the exception of policies CS18 and CS19, officers consider that the application is entirely policy compliant.

## 6.2. Access Issues.

6.2.1 The applicant has submitted amended plans which have been consulted upon, in order to improve the present access situation to the site. The following are the major points for the Committee to take into account.

6.2.2 The applicant has undertaken another speed survey on Stoney Lane adjoining the site, in order to ensure that the submitted forward visibility splays at the two principal vehicle accesses into the site, are sufficient to ensure proper safety. This has recorded an existing 85<sup>th</sup> percentile figure of 34mph in both directions. This is considered to be acceptable in terms of the splays which can be achieved. This is important since if they were required to be greater, the hedgerow would need to be cut back even more, and / or the proposed internal layout revised. The sight lines to be provided are 2.4 x 55.0 metres in both directions for all proposed accesses. This is in compliance with the UK governments Manual for Streets. Highway Officers contend the all accesses comply to standards with regards to width and sight lines.

6.2.3 Secondly, improvements to Stoney Lane include the following: removal of the existing 30mph sign at Hartgrove Farm, to the north of the site along with the provision of new traffic calming gateway features. A continuous footway link shall be provided southwards by the relocation of a new footway into the public open space, to ensure linkage to the existing footways fronting No. 63 Stoney Lane. Stoney Lane will be widened to 5.5m, from the Pine Ridge access point up to the second site access in the north. All these new features will ensure that, notwithstanding the increase in traffic movements arising this will be adequate for local site /road safety. The Committee will know that a number of the public

objections are based upon such traffic generation / safety issues. The applicant's highway consultants have projected traffic levels from the development with reference to the Trip Rate Information Computer System. This is accepted standard practice. Between 08.00 and 09.00 hours it is projected that 29 cars will leave the site with 14 arriving. Between 17.00 and 18.00 hours it is projected that 14 cars will leave the site with 27 arriving. Traffic has been distrusted using census data which again is very standard practice. From it is projected that 96% of traffic will travel to and from the south, and then 70% will travel to and from the B4009.

- 6.2.4 Consequent to the above the applicant has re-examined the potential impact upon the B4009 junctions into Newbury, particularly at the mini roundabout of Shaw Hill and Turnpike. Junction 9 software has been used to model these new mini roundabouts. The results reveal as expected, that there is congestion over peak periods. However with an increase at most of just 3% from the development under consideration tonight, on Kiln Road, it will have a negligible impact. It has thus been concluded that no additional highways works are justified having regard to the flows noted, and having regard to the advice on such matters in para. 32 of the NPPF.
- 6.2.5 In terms of the site's internal layout [which is being determined at this outline stage] the relevant forward visibility splays are acceptable for the noted 20mph speeds as designed, with suitable shallow road tables imposed for pedestrian crossover points. For pedestrian connectivity, this is improved to the south into the public open space with a total of 3 points of entrance. In terms of parking provision this actually exceeds the criteria set out in policy P1 in the revised HSADPD of 2015, for the parking zone in which the site is located. This should mean that no additional off site parking pressures will be caused, which is already occurring to the south opposite the Pine Ridge entrance point.
- 6.2.6 Next, the applicant was formally requested to examine an additional vehicle access option to the south via Laud Close. This option was not proposed due to third party intervening land ownership, which would have created a ransom strip situation for the scheme. This in turn [without prejudice] would / could have raised future viability issues, which in turn could have reduced the level of affordable housing proposed on site. In terms of the marginal highway gains to be achieved, officers considered this viability risk was not supported, in terms of the delivery of housing in the District.
- 6.2.7 Finally, it is proposed that most of the new internal road network will be adopted in the future. Given this the applicant was required to demonstrate that tracking through the site for refuse collection vehicles was acceptable. This has been done as has maximum carry distances for refuse collections for future residents.

### 6.3. Landscape impact.

- 6.3.1 The application site is on rising land to the north east of Newbury; the highest point is 116m AOD and the lowest is 98m AOD – a fall of 18m which is quite significant over the distance involved. However, the site is naturally well self contained, by virtue of existing mature vegetation and topography. Accordingly, longer distance views of the site are generally well screened, although it is of course acknowledged that future housing on the site will remain visible to the public domain in both short and medium distance vistas. The applicant has submitted two detailed landscape and visual impact assessments [LVIA] for the original set of plans and the amended set. The case officer has examined both of these, in conjunction with an assessment by the Council retained consultant on the first report submitted, at the time of writing this report: a further report will be prepared by the Consultant on the revised plans which will be reported on the update.
- 6.3.2 The initial Consultant's report concluded, in summary, the following: the key landscape issues were impact on the areas wider character, the loss of vegetation along Stoney Lane, impacting upon its semi wooded rural nature, the potential impact upon native trees on the

northern and eastern boundaries, including two TPO oak trees. In response to this the applicants, in submitting their revised plans, included the following points of improvement:-

1 - the indication of fresh planting on the western margins to recompense the loss of existing hedgerow, facilitated by the moving eastwards away from the lane of the whole scheme - see above.

2 - plans clearly indicating the retention of as much vegetation as possible on the north and east boundaries, including the TPO oaks, with additional planting shown to be controlled by an appropriate condition.

3 - the planting up of the SuDs basins particularly on the east and south perimeters, so softening the wider visual impact of the new housing from these two aspects. This is particularly important in terms of the short distance impacts caused on existing dwellings to the south of the site in Wansey Gardens and Laud Close.

4 - the improvement of the existing public open space to the south [paid for by the Developer] which will have an added benefit.

6.3.3. As a consequence, the applicants consider that whilst some shorter distance views will have a moderate to slight impact [i.e. those directly from Stoney Lane and from the south] most impacts will be slight, with the overall inherent attractive character of the area not being harmed to such a degree as to merit rejection of the site, having close regard to policy CS19 in the Core Strategy, and the advice contained in the NPPF of 2012. The response of the Council's consultant on this issue will be reported, but [without prejudice] it is not expected that the overall conclusions will change in regard to the visual impact assessment. To conclude, it is considered that there is no overriding reason to refuse the application on landscape character or impact grounds.

#### 6.4. Other issues.

6.4.1 The development, assuming it is approved and built out, will be subject to the CIL charging schedule currently at £75/m<sup>2</sup> for the location, for net gain in residential floor space. Since no detailed figures are available at this outline stage, the precise charging figure will be known at the reserved matters stage. The CIL monies will mitigate the impact of the new occupiers [perhaps 181 in total] on the Council's facilities, services and infrastructure in accord with policy CS5 in the Core Strategy. It is important for the Committee to note that no separate s106 contribution figure is being recommended by Education, notwithstanding the known impact upon local schools, especially primary. The application, in addition, if approved must be subject to the completion of a legal agreement to obtain the 40% affordable housing, and an access agreement for the new footway in the public open space over Council land presumably under s278 of the 1980 Highways Act. The latter will also cover the necessary highways works identified above all at the Developer's expense. In addition a s106 obligation should include a commuted maintenance sum for the public open space if it is to be adopted.

6.4.2 Notwithstanding the points raised above in the policy section under flooding, the applicants agent has submitted an additional technical note from their Consulting Engineers in response to an objection from a member of the public, on flooding grounds. This note has been on the public file since the 11<sup>th</sup> November. The main considerations are that the new V ditch noted on the south boundary is not related to the Developments SUDS proposals per se, but related to the sites current mostly greenfield use. On the eastern boundary the proposed storage pond will not only adequately mitigate the impact of the new scheme should it be approved, but also actually improve the present situation with regards to current and future flooding potential. It is concluded in the light of no objection from Thames Water and the Council SUDs team that drainage is not an issue on the site which would merit refusal. The case officer concurs with this overall conclusion.

## 7.0 Conclusion

- 7.1. The Committee will appreciate that this application is acceptable in principle given its allocation in the Local Plan. The application now needs to be addressed against the relevant sustainability principles in the NPPF. In economic terms, the application is to be encouraged as not only will the local construction sector benefit from the scheme being built out, but also the additional expenditure of circa 180 residents will assist the local economy. In social terms the application is again to be encouraged, since 30 affordable units will be provided, with enhanced public open space facilities. Finally in environmental terms, it is inevitable that the development will have a degree of both highways and local visual impact on the area for the reasons identified above. However balanced against this is the delivery of 75 additional homes in the District, important to meet the District housing needs. The drainage impact has also been successfully mitigated by the inclusion of SUDS basins.
- 7.2. Accordingly, given the strong reasons to approve the application, it is recommended that conditional planning permission be granted for application 16/01489/outmaj.

## 8. Recommendation.

**The Head of Planning and Countryside be authorized to GRANT Conditional Planning Permission subject to the first completion of a s106 planning obligation.**

### CONDITIONS.

#### Time limit

1. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

1 - 3 years from the date of this decision

2 - the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

Reason: to clarify the permission in accord with the advice in the DMPO of 2015.

#### Reserved matters

2. Full details of the external appearance of the housing, the scale, and the landscaping of the site, the ('reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission, and shall be approved in writing by the Local Planning Authority before any building or other operations start on site. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and such consideration is required to ensure that the development is in accordance with the advice in the DMPO of 2015.

#### Drainage strategy

3. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. 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, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Hours of working.

4. The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

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

Highways layout.

5. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. 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. All the required s278 and s38 agreements shall be completed prior to the first occupation of any dwelling.

Reason: In the interest of road safety and flow of traffic, and waste disposal. . This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

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

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

Removal of permitted development rights.

7. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless



permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with the advice in the NPPF of 2012.

#### Fire hydrants

8. No development shall commence until details of fire hydrant provision on the site has been submitted and agreed with the LPA. The development must be carried out in strict accord with this scheme prior to any dwelling occupation.

Reason: To protect public safety in accord with the advice in the NPPF of 2012.

#### Piling

9. If piling on the site is required then auger piling shall be used wherever possible to minimise noise and vibration unless otherwise agreed with the LPA.

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

#### Contamination.

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

##### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

## 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accord with the advice in the NPPF of 2012.

Storage of refuse

11. No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings has been submitted to and approved in writing by the Local

Planning Authority. The dwellings shall not be occupied 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).

#### SUDS

12. The dwellings hereby permitted shall not be occupied until the sustainable drainage measures identified in the approved layout plans have been implemented/provided in accordance with the approved details. The sustainable drainage measures shall be maintained in the approved condition thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

#### Minerals

13. No development shall take place until a statement of mineral exploration and associated development management plan has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

- i. A method for investigating the extent and viability of the potential construction aggregate mineral resource beneath the application site, particularly the eastern end of the site where it is proposed to locate the sustainable urban drainage system.
- ii. A methodology that ensures that construction aggregates that can be viably recovered during development operations are recovered and put to beneficial use, such use to be agreed with the Planning Authority, and such an agreement not to be unreasonably refused; and
- iii. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

Reason: To ensure compliance with Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire to ensure the appropriate use of the identified mineral resources located beneath the application site.

#### Amended plans

14. The development must be constructed in strict accord with the layout and revised access arrangements as submitted on the 25th October 2016 to the LPA --namely plan numbers BFM 08--revised red line plan, drawing numbers 58286 -6C, 58286-5C, and the plans as contained in the updated technical note on highways ITB 9002-OO3C received on the 25th October 2016.

Reason: To clarify the permission in accord with the advice in the DMPO of 2015.

#### Travel plan.

15. No development shall commence until the owner has finalised and received approval in writing from the Local Planning Authority of a detailed Residential Travel Plan to include a firm list of commitments. The owner shall implement the approved Travel Plan from first operation/occupation of the development and take reasonably practicable steps to achieve and maintain the agreed targets within the timescales set out in the plan.

Reason: To ensure the development reduces reliance on private motor vehicles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006), and Policy LTP SC1 of the Local Transport Plan for West Berkshire 2011-2026

#### Cycle and motorcycle storage

16. Full details of secure cycle storage in accordance with the West Berkshire Council 'Cycle and Motorcycle Advice and Standards for New Development, November 2014 shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The approved cycle storage shall be provided prior to the occupation of each dwelling and thereafter retained for this purpose 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), Policies CS13 and CS 14 of the West Berkshire Core Strategy (2006-2026) and Policy LTP K13 of the Local Transport Plan for West Berkshire 2011-2026.

#### Electric charging points.

17. The buried infrastructure to enable future residents to fit an electric vehicle charging point without recourse to excavating, other than within their allocated parking space(s), should be provided for each house and shared parking courts on the development.

Reason: To ensure that the development provides for predicted future growth in ultra low emission vehicle ownership. This condition is imposed in accordance with point ix. of Policy P1 of the West Berkshire Housing Site Allocations DPD; and West Berkshire Council Local Transport Plan, policies LTP K1 (Travel Choice), LTP SC3 (New Technology), and LTP K5 (Climate Change).

#### Archaeology.

18. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted 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 in accord with the advice in the NPPF of 2012.

#### Stoney Lane width.

19. No dwelling shall be occupied until the carriageway of Stoney Lane, between the northwest corner of the development site and Pine Ridge has been widened in accordance with drawing no. ITB9002-GA-001 rev.J and any statutory undertaker's equipment or street furniture re-located in accordance with current WBC carriageway standards.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

#### Speed limit.

20. No development shall commence until details of how the '30/National' speed limit change

will be relocated approximately 220metres north, together with an entry feature and associated street lighting have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the speed limit will be relocated including details of the gateway feature and associated lighting on Stoney Lane. No dwelling shall be occupied until the speed limit change has been relocated and street lighting has been provided in accordance with the approved details.

Reason: To ensure the development is served by an adequately lit highway in order to maintain 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).

#### Footway

21. No dwelling shall be occupied until a two metre wide footway to be constructed on the east side of Stoney Lane, between the southwest corner of the development site and no.63 Stoney Lane, including a dropped kerb crossing over Stoney Lane, have been constructed in accordance with the approved drawing(s) and any statutory undertaker's equipment or street furniture located in the position of this footway has been re-sited to provide an unobstructed footway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians. 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).

#### Forward visibility splays.

22. No dwelling shall be occupied until the visibility splays at the two new accesses on to Stoney Lane have been provided in accordance with drawing number ITB9002-GA-001 rev.J. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests 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).

#### Children's play area specification.

23. No development shall commence until a specification for the children's play area has been submitted to and approved in writing by the LPA. The play area shall then be built out in strict accord with the details as approved.

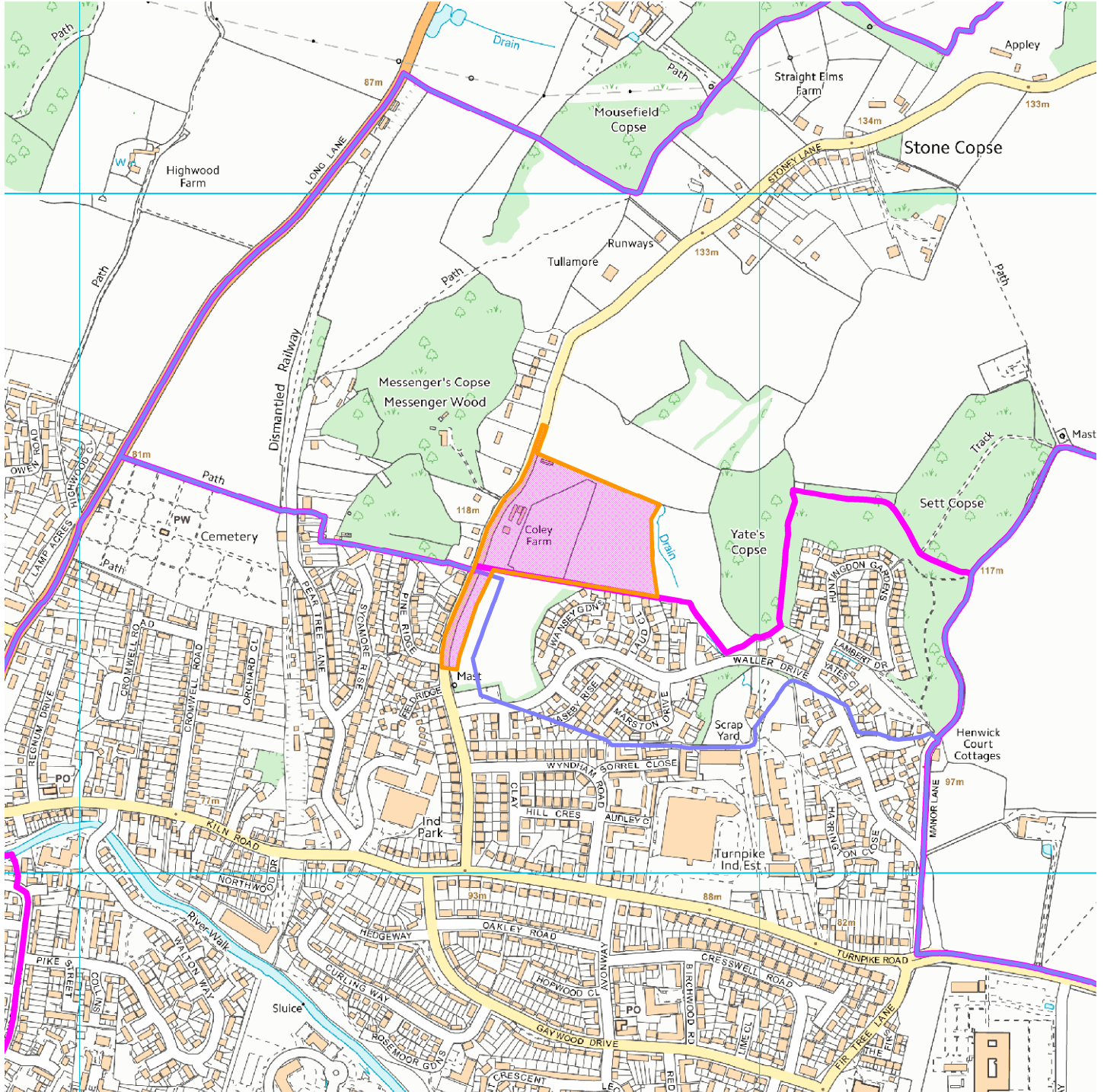
Reason . To ensure good play facilities in accord with the advice in the NPPF of 2012.

### **INFORMATIVE:**

- 1 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

- 2 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)
  
- 3 This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the \*\*\*\*. You are advised to ensure that you have all the necessary documents before development starts on site.

DC

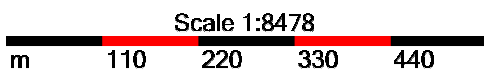


Map Centre Coordinates :

Scale : 1:8477

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	
<b>Date</b>	09 November 2016
<b>SLA Number</b>	0100024151

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## APPEAL DECISIONS WESTERN AREA-COMMITTEE

COLD ASH 15/03023  Pins Ref 3153278	Land south of Grovelands, Pear Tree Lane, Newbury Mr and Mrs Kurt Wallin	Proposed new residential, fully sustainable, three bedroom dwelling (self build) with associated parking and amenity.	Dele. Refusal	Dismissed 4.11.16
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### Main Issues

The main issues are:-

- whether the proposal is appropriate to its location in the context of development plan and national policy relating to the provision of new housing in the countryside; and
- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on the living conditions of neighbouring residents at No. 78 Pear Tree Lane (The Bungalow), with particular reference to outlook.

### Reasons

#### *Development plan and national policy*

The appeal site comprises an overgrown field situated to the north of No. 78 Pear Tree Lane, approximately 35m outside the settlement boundary as identified by Saved Policy HSG1 of the West Berkshire District Local Plan 1991 – 2006 (LP). The preamble to this policy states that outside the settlement boundaries, development will only be acceptable in exceptional circumstances.

The appellant, however, drew the Inspector's attention to the decision of the High Court in the Firlands Farm case where the judgement states that the Inspector was entitled to give Policy HSG.1 little weight due to its age. Nevertheless, having regard to the relatively advanced stage of plan preparation, the Inspector in this case was able to give a good measure of weight to Policy C1 and the settlement boundaries of the Proposed Submission Housing Site Allocations DPD. Policy C1, which will replace Saved Policy HSG.1 upon adoption of the Housing Site Allocations DPD, sets out a presumption against new development outside the settlement boundaries, subject to a number of exceptions, none of which are applicable to the appeal proposal. The appellant has also confirmed that the emerging Housing Site Allocations DPD has undertaken a review of the settlement boundaries and currently proposes to retain the boundary in this vicinity. The Inspector was not provided with any evidence that this position has changed or is likely to change.

Furthermore, West Berkshire Core Strategy (2006-2026) (CS) Policy ADPP1 states that most development will be within or adjacent to the settlements included in the settlement hierarchy, which includes Newbury as an 'Urban Area'. In this regard, the appeal site is not within the settlement and there is a material separation distance between the appeal site and the nearest part of the settlement boundary. Moreover, the policy states that the majority of development will take place on previously developed land, which is not applicable to the appeal proposal.

In any case, whilst not specifically precluding development beyond existing settlement boundaries, CS Policy CS1 does state that new homes will be located in accordance with the settlement hierarchy outlined in the spatial strategy and the area delivery plan policies. In this regard, the District Settlement Hierarchy of CS Policy ADDP1 states that in the open countryside, only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. The Inspector had no evidence to suggest either would be applicable to the appeal proposal.

The appellant states that the other critical consideration regarding the principle of development is the site's relationship to the built up area of Newbury and adjacent dwellings. However, CS Policy

ADDP1 does not permit appropriate limited infilling in the countryside as suggested and for the reasons below, the Inspector found that the proposal would be harmful to the character and appearance of the area.

The Inspector accepted that the site is located within approximately 35m of the settlement of Newbury, but he was not convinced that the site offers a sustainable location for new development, with residents able to access day to day facilities with ease, as suggested by the appellant. Rather, the absence of footpaths and street lighting along this unmade narrow section of Pear Tree Lane would make it unattractive to pedestrians and would be unlikely to encourage cycling. He also had not been provided with any evidence of any readily accessible public transport service. It is likely therefore that occupiers of the proposed dwelling would in practice be very reliant on a private car. Consequently, the proposal would not contribute to sustainable travel patterns.

For these reasons, and those set out below, the Inspector found that the proposal would not meet the social and environmental objectives of sustainability and as such would not amount to sustainable development, having regard to the advice at paragraph 7 of the National Planning Policy Framework (the Framework). Not being sustainable, it follows that no such presumption, as anticipated in paragraph 14, applies.

Therefore, even if he were to apply only limited weight to Saved Policy HSG.1 and any conflict with it, he concluded that the proposal would not be appropriate to its location in the context of development plan and national policy relating to the provision of new housing in the countryside, being contrary to the Framework and CS Policies CS1 and ADPP1 and emerging Policy C1 of the Proposed Submission Housing Site Allocations DPD.

#### *Character and appearance*

The character of Pear Tree Lane changes along its length. To the south of the appeal site it is typically suburban with detached and semi-detached dwellings situated on either side of the road. At around No. 58 Pear Tree Lane, urbanising features such as footpaths and street lighting no longer exist and the tarmac road becomes an unmade track resulting in a distinct shift towards a semi-rural character. Save for No. 53, residential development is confined to the eastern side of the lane. Beyond No. 78 Pear Tree Lane, at the point of the appeal site, development becomes more sporadic and shifts further towards a rural character.

The appeal site occupies part of the substantial gap that presently exists between Grovelands and No. 78, both of which are bungalows and are relatively subservient in scale and appearance. Although the appeal site frontage is marked by post and wire fencing it is generally open in character and elevated above Pear Tree Lane, thereby allowing clear views of the existing field and to the woodland beyond. Its present undeveloped state makes a notable contribution to the character and appearance of the area.

The Inspector appreciated that the scheme proposes to use environmentally friendly technologies and that efforts have been made to minimise the overall scale of the proposed dwelling which would continue a similar set back to the flanking dwellings. Nevertheless, the proposed dwelling, in combination with the garage and gym building, would introduce a significant amount of built form into a site where none presently exists. This urbanisation of the site alone would result in substantial harm.

The Inspector accepted that the site benefits from significant screening by the surrounding woodland in views from the east and from the north beyond Grovelands and that the mature trees on the western side of the lane would likely screen wider views from that direction. However, the elevated nature of the site and size of the proposed buildings are such that they would be very prominent along this part of Pear Tree Lane, which is also a Public Right of Way. Whilst, taken in isolation, the design of the proposed dwelling and use of materials are acceptable, the very contemporary and contrasting approach would have the effect of drawing further attention to it, making it a conspicuous and dominant feature.

Therefore, even accepting that the effect would be largely localised to this part of Pear Tree Lane, the Inspector concluded that the harm to the character and appearance of this area would be

significant and in conflict with: CS Policies ADPP1, CS 14 and CS 19; LP Policy HSG1; and West Berkshire Supplementary Planning Document (SPD), Quality Design. These require, amongst other matters, that development respects and enhances the character and appearance of the area and that local distinctiveness of the landscape character is conserved and enhanced. It follows therefore that he also found conflict with paragraph 58 of the National Planning Policy Framework (the Framework) which requires development responds to the character of the area.

### *Living conditions*

Due to the topography of the area, the proposed garage and gym building would be significantly elevated above the neighbouring bungalow to the south at No. 78, which has a number of windows which face towards the appeal site. However, the southern side of the appeal site is separated from No. 78 by a relatively narrow strip of overgrown land and at the nearest point the respective buildings would be positioned approximately 15m apart. The intervening southern boundary also includes a number trees and bushes which are proposed to be retained.

Whilst at 6.2m high the garage and gym building would undoubtedly be visible above this existing boundary, the main aspect for the majority of the windows along the northern elevation of No. 78 would be orientated towards the bank and in front of the proposed building and as such would be largely unaffected. For the windows further back in this elevation, the separation along with the relatively shallow depth of the garage and gym building and the retention of the existing boundary planting, would ensure that there would not be a materially harmful effect in terms of outlook.

Due to the positioning of the proposed building in relation to the main rear garden of No. 78, and the separation that would be achieved, he also did not find that the development would materially harm the enjoyment of that space.

The Inspector therefore concluded on this main issue that the proposal would not be harmful to the living conditions of the occupiers of the neighbouring property and would not conflict with CS Policies ADPP1, CS 14, or LP Policy SHG1, the Design Quality SPD and the Framework, insofar as these policies seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Other matters**

The Inspector noted the letters of support for the appeal proposal but the issues raised do not outweigh the above stated harm, whilst the absence of harm in relation to living conditions, access, parking and the provision of bin and cycle storage facilities, are neutral factors in the planning balance.

### **Conclusion**

For the reasons given above and having regard to all other matters before him, he dismissed the appeal.

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