

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 30 AUGUST 2017

Councillors Present: Howard Bairstow, Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), James Cole (Substitute) (In place of Hilary Cole), Adrian Edwards, Paul Hewer, Clive Hooker (Chairman), Anthony Pick and Garth Simpson

Also Present: Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control), Rachel Craggs (Principal Policy Officer), Paul Goddard (Team Leader - Highways Development Control) and Matthew Shepherd (Planning Officer)

Apologies for inability to attend the meeting: Councillor Hilary Cole and Councillor Billy Drummond

Councillor(s) Absent: Councillor Virginia von Celsing

PART I

19. Minutes

The Minutes of the meeting held on 9 August 2017 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:-

Page 5, Also Present: remove Rachel Craggs.

Page 6, penultimate bullet, first line: 'covenant' should read 'covenant'.

Page 8, Point 16, first and second lines: 'covenant' should read 'covenant'.

Page 9, Point 22, first line: 'his' should read 'this'.

Page 9, Point 22, second line: 'Councillor Cole' should read 'Councillor Hilary Cole'.

Page 10, Section 3, first line: remove 'or'.

Page 11, Section 8, second line: 'has' should read 'have'.

Page 11, Section 9(e) first line: remove '1.'.

Page 11, Section 9(i), first and second line: 'Exeedance' should read 'excedence'.

20. Declarations of Interest

Councillors Howard Bairstow, Jeff Beck, Adrian Edwards and Anthony Pick declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

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

21. Schedule of Planning Applications

- (1) **Application No. and Parish: 17/01808/OUTD, Garden land at No. 5 Normay Rise, Newbury, Berkshire**

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(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Newbury Town Council and its Planning and Highways Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Howard Bairstow declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a member of Newbury Town Council but not its Planning and Highways Committee. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Howard Bairstow, Adrian Edwards and Anthony Pick declared that they had been lobbied on Agenda Item 4(1).)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/01808/OUTD in respect of an outline application for the erection of a dwelling with integral garage.
2. Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. The application had been brought to Committee as it had received in excess of 10 objections. The Update Sheet included an additional condition that recommended the removal of permitted development rights for the construction of dormer windows in the roof of the dwelling. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers consequently recommended that the Committee grant outline planning permission.
3. In accordance with the Council's Constitution, Councillor Adrian Edwards, Ward Member addressed the Committee on this application.
4. Councillor Edwards in addressing the Committee raised the following points:
 - The current property was a substantial house with a generous amount of garden, typical of the other houses in Normay Rise.
 - The garden was adjacent to Willowmead Close, which had houses and gardens of a similar size.
 - The development would overlook the existing house at 5 Normay Rise as it would be built on a significant slope.
 - Newbury Town Council's Town Design Statement published in 2005 was referred to in the planning officer's report. It stated that one of the principles of the Statement was to conserve the garden suburb character of the area and this application did not meet this principle.
 - However the planning officer did not quote the reference to Normay Rise on Page 60 of the Statement or sections 5.1 and 5.4 on Page 63 which stated that the 'garden suburbs' enhanced the gateway into Newbury and should be preserved.
 - The development would compromise the street scene by reducing the garden size making it cramped.
 - It was overdevelopment and would create a precedent for other residents to build in their gardens.
 - He asked the Committee to refuse the outline application.

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5. Councillor Paul Bryant sought clarification of the need for the additional condition in the Update Report, related to removal of the permitted development rights for the construction of dormer windows. Matthew Shepherd advised that it was included to protect the privacy and amenity of neighbouring properties and it would not be possible to include this condition when the reserved matters application was received.
6. Councillor Pick noted that the total area of the site was 432 square metres and he asked what size the amenity spaces would be for the existing and new dwellings. Matthew Shepherd replied that he was not currently in possession of this detail, as it would not be available until the reserved matters were received.
7. Councillor Pick further queried the comment from the Tree Officer in the fourth paragraph on Page 25, which implied that the Officer had a concern with the application. Matthew Shepherd responded that the Tree Officer had recommended the inclusion of a condition covering this and consequently did not have any objections to the application.
8. At the request of the Chairman, Paul Goddard provided a comment from a highways perspective. He advised that there had been concerns from residents about the closeness of the new development to the junction at Normay Rise. However, as access would be onto a lightly trafficked cul-de-sac, he did not have any objections to the development and he was satisfied that parking for three vehicles could be accommodated when the reserved matters were received.
9. Councillor Garth Simpson stated that although he had been unable to attend the site visit last week, he had visited it subsequently. He had originally been in agreement with the proposal as the width of the garden was similar to that at 2 Normay Rise. However, he had since changed his mind due to the slope and the assumption that the building line should correspond with the other dwellings, which would result in the amenity space at the back of the property being small. In addition, the argument given by Councillor Edwards that this development would set a precedent was a powerful one and he did not wish to see the garden suburb design being degraded.
10. Councillor Clive Hooker interjected that the size of the amenity space had been discussed at the site meeting and it appeared to be sufficient.
11. Derek Carnegie added that the applicant would be aware that the land had to be used effectively and would ensure there was sufficient amenity space, even if it resulted in reducing the size of the dwelling. In addition, the Planning Inspector was not likely to agree that a dwelling could not fit on the site. He also noted that despite Councillor Edwards' reference to the Newbury Town Design Statement, Newbury Town Council had not objected to the application.
12. Councillor Bryant expressed his dislike of this sort of development, which removed the setting and the environment from the donor property. However he accepted Derek Carnegie's point that the Planning Inspector was likely to grant permission at appeal.
13. Councillor Beck remarked that a considerable amount of effort had been put into the development of the Newbury Town Design Statement, which had been designed to preserve Newbury for future residents. He also had a concern about the Tree Officer's comments and taking account of the considerable slope and the blatant garden grabbing, he proposed that planning permission was refused. His reasons for this were that the development would destroy the integrity of the surrounding estate, the occupiers of the donor dwelling would be overlooked, no comments had been

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received from the Drainage Officer and a previous application at 12 Normay Rise had been refused.

14. Councillor Hooker commented that the presumption was to approve the application as it was within the settlement boundary, the amenity space was acceptable and so was the car parking and turning. Therefore, a refusal was likely to be overturned at appeal.
15. Councillor Edwards advised that an objection had not been received from Newbury Town Council because the proposed objection did not receive a seconder.
16. Councillor Pick reiterated he was not satisfied that sufficient amenity space would be available.
17. Derek Carnegie again stressed that the size of the dwelling would have to be reduced to ensure there was sufficient amenity space or the later application would be refused.
18. Councillor Pick noted that the appeal against the refusal to grant planning permission for a similar development at 12 Normay Rise had not been overturned at appeal.
19. Councillor Dennis Benneyworth reflected that although he did not like the proposed development, he had taken note of the officers' comments in relation to the Planning Inspector.
20. The Chairman invited the Committee to vote on the proposal of Councillor Beck to refuse the application, which was seconded by Councillor Edwards and at the vote the motion was carried by 5 votes to 4.

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

1. Character of the Area

The proposal is to subdivide an existing garden area and erect a new dwelling at the land adjacent to 5 Normay Rise. The development would, by virtue of form, scale and siting, result in cramped overdevelopment of the plot which fails to respect the established residential character and visual and spatial characteristics of the locality. The development would materially harm the street scene. Furthermore the proposed rear garden areas for the existing and new dwellings do not meet current recommended standards set out in the Quality Design SPD. These small gardens are not in character with the surrounding area which emphasises that the dwelling represents overdevelopment of the site.

The proposal is therefore contrary to Development Plan Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, advice contained in West Berkshire Council Supplementary Planning Document (SPD) Quality Design: Part 2 Residential Development; advice contained within the NPPF and guidance set out in the Newbury Town Design Statement (2005).

2. Private Amenity Space

The private amenity space for the proposed dwelling would fall short of the amount of space which future occupiers might reasonably expect for them to enjoy their property.

The proposal is therefore contrary to Development Plan Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of West Berkshire District Local Plan Saved Policies 2007; advice contained in West Berkshire Council Supplementary Planning Document (SPD) Quality Design: Part 2 Residential Development; advice

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contained within the NPPF and guidance set out in the Newbury Town Design Statement (2005).

3. **Overlooking**

The proposal is to subdivide an existing garden area and erect a new dwelling at the land adjacent to 5 Normay Rise. The siting is such that given existing the close proximity and sloping nature of the site the development is likely to result in direct overlooking of 5 Normay Rise Private Amenity Space. This would be detrimental to the level of amenity that these dwellings currently and should reasonably expect to enjoy.

This is contrary to policies ADPP1 and CS 14 of the West Berkshire Core Strategy 2006-2026 and advice contained within the NPPF which seek to ensure new development does not adversely affect the amenities of adjoining land uses and occupiers.

4. **Lack of Information SUD**

The application fails to address the need for information in regards to the impact it will have on the Sustainable Drainage Qualities of the site and the Area. As such the Local Planning Authority is unable to confirm whether or not the proposed development would increase flood risk on and off site. The proposal therefore fails to comply with Policy CS16 of the West Berkshire District Local Plan 2006-2026, July 2012 and the guidance within the National Planning Policy Framework.

(2) Application No. and Parish: 17/00939/FUL The Barn Highwood Farm, Long Lane, Shaw, Newbury, Berkshire

(Councillor Paul Bryant declared that he had had discussion with the applicant in relation to Agenda Item 4(2).)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/00939/FUL in respect of change of use of a section of orchard land to garden use, erection of an oak framed car port and turning area.
2. Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. The application had been brought to Committee following a Ward Member call-in by Councillor Paul Bryant. In conclusion the report detailed that the proposal was unacceptable, as it was contrary to Policies C6 and C8 and insufficient evidence had been provided by the applicant to suggest otherwise. Officers consequently recommended the Committee refuse planning permission.
3. In accordance with the Council's Constitution, Bjian Mohandes, Applicant and Councillor Paul Bryant, Ward Member addressed the Committee on this application.
4. Bjian Mohandes in addressing the Committee raised the following points:
 - He and his wife had lived at Highwood Farm since 1995 and had kept and maintained the 'Orchard' as a garden.
 - They applied for a certificate of lawfulness in December 2013 but it was refused on the grounds that insufficient evidence had been submitted to show that the land had been used as garden land for a continuous period of 10 years.
 - In September 2015 they reapplied but were refused for the same reason.
 - Following a meeting with the planning service, they were advised to apply through a planning application, which it was suggested might be more successful if the area was reduced to half the orchard.

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- Their current planning application for half of the orchard was based on the planning service's belief that it was a one bedroom property. Consequently, as it was a larger property, they were advised to re-apply for advice if they wanted to update the property details under a new pre-planning application.
 - Following discussions with Councillor Bryant, he had suggested that they should further reduce the area to make the application more acceptable and they had also taken on board other suggestions from planning officers.
 - Therefore, they had tried to accommodate all the suggestions that had been made and believed the application should be approved for the following reasons. It did not negatively impact on the bridleway, it was in harmony with the other structures, it was not visible from the road and it reduced the risks associated with lack of parking space and access by emergency services.
5. Councillor James Cole questioned whether the curtilage was higher at the rear of the property and Mr Mohandes confirmed it was, which was why they were unable to create a parking area in this location.
 6. Councillor Anthony Pick noted that a photograph of the elevations of the car port was not available.
 7. Councillor Garth Simpson enquired about the purpose of the existing derelict building and Mr Mohandes explained they would use this for relaxation.
 8. Councillor Paul Bryant in addressing the Committee raised the following points:
 - If the land was within the curtilage of the dwelling it would be approved. Consequently the applicants were only requesting that the curtilage was extended a short distance into the countryside, which was not within an Area of Outstanding Beauty.
 - He noted that planning was subjective and that each application should be assessed on its own merits. He therefore asked the Committee where the harm would be in approving it.
 - The development was proposed on part of an old orchard that was not useful as agricultural land and any construction built on it would be well screened.
 - The amount of land included in the application had been reduced to increase the likelihood of approval being granted.
 - He was able to cite a number of examples where curtilages had been extended including one onto a railway line, so he questioned why the same could not apply in this case.
 - It would be possible to include a condition requiring substantial vegetation along the side of the site.
 - In conclusion, he argued that the merits of the application should be taken into account. The garage would be well screened, the orchard could not be returned to agricultural land and it was difficult to set a precedent, since there were few similar cases.
 9. Councillor Clive Hooker enquired whether the example provided of the curtilage being extended over a railway line had been in order to build a garage. Councillor Bryant confirmed it had been to extend the garden.

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10. Councillor Pick referred to Policy C8 and enquired whether the main clause and all the sub clauses had to be satisfied. Matthew Shepherd responded that as the application did not fulfil all the clauses, it was contrary to Policy C8.
11. Councillor Cole noted that the original request had been for a substantial increase in the curtilage, which would have made a difference, however this was much reduced. He therefore asked if it was very different from the curtilage at the adjoining property. Matthew Shepherd confirmed that the application would require an extension of the curtilage to the north of the property. Councillor Cole clarified that he was asking for the total area and Matthew Shepherd replied that he did not have this information.
12. Councillor Howard Bairstow asked whether it was an active orchard and Matthew Shepherd confirmed that in planning law it was orchard land, however it was not currently being used as an orchard. Councillor Bairstow noted therefore, that the application would not be removing productive land from the countryside.
13. Paul Goddard confirmed there would not be an increase in traffic from the site, but he had assumed the parking would be at the front of the dwelling and as this was not the case, he enquired where it would be situated. Matthew Shepherd clarified that it would be further round the site and Paul Goddard concluded that he was satisfied there was sufficient parking on the site.
14. Councillor Hooker drew attention to the fact there would be a pinch point down the side of the house by the bridleway to enable access to the car port. Consequently he was concerned about a conflict with access to the car port and horse riders using the bridleway. Paul Goddard assured him that he did not have any concerns as the area was wide enough for both types of traffic. Matthew Shepherd confirmed that no objections had been received from the Public Rights of Way (PROW) Officer about this either.
15. Councillor Simpson noted that there could be a choke point for PROW users if there were a number of cars parked in this vicinity. Paul Goddard agreed that this could occur, however he had to assess the parking provision on current parking standards, which he had done.
16. Councillor Hooker requested clarification as to whether it would be possible to park three cars at the front of the property and Paul Goddard confirmed that this was the case.
17. Councillor Pick observed that the Committee had heard the land had been used for 10 years and was not classified as agricultural land. He added that he did not have a problem with the planning application and proposed the Committee should grant approval, contrary to officers' recommendation. This was seconded by Councillor Bairstow.
18. Councillor Simpson reflected that the barn had been converted to provide a four bedroom property, the land was very contoured to the west and the practicalities of parking vehicles to the south or north of the barn would detract from the property. He therefore sympathised with the applicants as they had developed an attractive dwelling and he was supportive of the proposed application.
19. Councillor Jeff Beck agreed with Councillor Bryant's assertion that there would be no harm in approving the application. However he expressed disappointment that there were no drawings in the pack showing the car port, although the report did state that the design was acceptable. Matthew Shepherd advised that a drawing of the car port was available to the meeting and this was shown to the Committee.

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20. Councillor Cole noted that the building was practical and in keeping with the environment. It would also clean up the area that was currently being used for storage; however he would have objected if the increase in the curtilage had been larger.
21. Councillor Adrian Edwards expressed concern about setting a precedent if the application was approved and he asked what effect it would have on the neighbouring properties. Derek Carnegie reiterated that refusal was recommended as Policy C8 stated curtilages should not be extended unless they provided parking for highway safety and this application did not do this.
22. Councillor Bryant asked for a condition to be included to ensure that the hedgerow between the development and the PROW provided sufficient screening.
23. The Chairman invited the Committee to vote on the proposal of Councillor Pick to approve the application, which was seconded by Councillor Bairstow and at the vote the motion was carried with one abstention.

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

Conditions

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

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. The development hereby permitted shall be carried out in accordance with the approved drawings
 - Site layout plan drawing number 1 date submitted 12th July 2017 via email to case officer showing the red line outline of the application site.
 - Red line plan, drawing number 2 date submitted 12th July 2017 via email to case officer showing the red line outline of the application site
 - Drawing titled "Dimensions of Construction of garage and porches for Three Bay model with annotations" Drawing number not present. Date stamped 2nd May 2017.

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

3. The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

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 ADPP 1, 2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance House Extensions (July 2004).

4. The garage hereby permitted shall be used solely for purposes ancillary to the use of the existing dwellings known as The Barn Highwood Farm hereby permitted. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garage, nor shall they be used for additional bedroom accommodation or for any form of human habitation.

Reason: In the interests of amenity and the creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This

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

5. Notwithstanding the details submitted with the application no development 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. Thereafter the development shall be carried out in accordance with the approved materials. The approved boundary treatments shall thereafter be retained.

Reason: To ensure that the boundary treatments and materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), C 6 and C 8 of the West Berkshire Housing Site Allocations Development Plan Document (November 2015), and Supplementary Planning Guidance Quality Design (June 2006).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the area of land detailed in the Site layout plan drawing number 1 date submitted 12th July 2017 via email to case officer showing the red line outline of the application site.

Reason: To protect the rural character of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), C 6 and C 8 of the West Berkshire Housing Site Allocations Development Plan Document (November 2015), and Supplementary Planning Guidance Quality Design (June 2006).

7. No external lighting of the hereby permitted Oak Framed Garage shall be installed on the site without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), C 6 and C 8 of the West Berkshire Housing Site Allocations Development Plan Document (November 2015), and Supplementary Planning Guidance Quality Design (June 2006).

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

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

9. Notwithstanding details already submitted, no further development shall take place (including site clearance and any other preparatory works) until full details of both

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hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a 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 landscaping within the first planting season following the completion of the development; and
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

10. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

11. 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 NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

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13. No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:
- Show where any spoil to remain on the site will be deposited,
 - Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels),
 - Include measures to remove the spoil from the site.
 - Include a timescale for the spoil removal and associated works.

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

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

14. Details of floor levels in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority before development commences, and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land and to ensure that any raising of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

- The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
- The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

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- 3. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the **Customer Call Centre** on: 01635 519111
- 4 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 which improves the economic, social and environmental conditions of the area.
- 5 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.
- 6 The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 7 The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.
- 8 The applicant is advised that all visitors to the site should be made aware that they would be driving along a Public Right of Way. As a result they should drive with caution when manoeuvring into and out of the site and should give way to pedestrians, cyclists and equestrians at all times.
- 9 Nothing connected with either the development or its construction must adversely affect or encroach upon the Public Right of Way (PROW), which must remain available for public use at all times. Information on the width of the PROW can be obtained from the PROW Officer.
- 10 The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.
- 11 No alteration of the surface of the Public Right of Way must take place without the prior written permission of the Rights of Way Officer.

22. 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 7.52 pm)

CHAIRMAN

Date of Signature