

These Minutes have been amended. Please see the minutes from the meeting on 16 May 2018.

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 25 APRIL 2018

Councillors Present: Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Jeanette Clifford (Substitute) (In place of Billy Drummond), Hilary Cole, James Cole, Adrian Edwards, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

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

Apologies for inability to attend the meeting: Councillor Billy Drummond and Councillor Paul Hewer

PART I

53. Minutes

The Minutes of the meeting held on 4 April 2018 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of an informative regarding sprinklers, as recommended by Royal Berkshire Fire and Rescue Service, in respect of application 18/00223/FULD.

54. Declarations of Interest

There were no declarations of interest received.

55. Schedule of Planning Applications

(1) Application No. and Parish: 17/03392/OUTD - Land at Windsor House Stables, Crowle Road, Lambourn

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/03392/OUTD in respect of land at Windsor House Stables, Crowle Road, Lambourn.
2. In accordance with the Council's Constitution, Councillor Jane Rowlinson, Parish Council representative, Mr David MacKinney and Mr Jerry Spary, objectors, and Mr Charlie Parker and Mr Aaron Peate, applicant and agent, addressed the Committee on this application.
3. Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable, subject to the first completion of a s 106 planning obligation. Officers on balance recommended the Committee grant planning permission.
4. Paul Goddard was invited to make a comment of the highways matters. He advised that the Highways Officer had considered the design which complied with the Council's standards for road width, sight lines and parking. Objectors had raised concerns regarding traffic movements and potential conflict between the residents of the proposed dwellings and the activity of the stable yard. Officers had estimated that the development would generate 32 traffic movements per day, of

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

which four would be in each of the morning and evening peaks. Paul Goddard admitted he was not an equine expert however the site would generate a small number of traffic movements so he did not think it would cause harm.

5. Councillor Rowlinson in addressing the Committee raised the following points:
 - Lambourn Parish Council supported the local racing industry. The relocation of the current trotting ring would make the stable yard inoperable and so they could not support the application.
 - There would be horses crossing the road from the stables to the relocated trotting ring several times per day. It would be difficult to maintain the safety of the road and road users because horses were unpredictable animals.
 - The number of traffic movements had been underestimated as there would also be horse boxes and delivery vehicles using the dual access.
 - The proposal would cause fragmentation of the stable yard, which Policy CS12 sought to prevent.
 - There had also been flood issues in the area.
6. Councillor Paul Bryant sought clarification on what had been meant by dual access as the proposal showed only one access point to the development. Councillor Rowlinson advised that she meant the access would have dual-use by residents and the stable yard.
7. Councillor Adrian Edwards asked whether pedestrians or horses had priority on the highway. Councillor Rowlinson advised that horses would keep left and they and their handlers wore high visibility jackets. Vehicles would be allowed to pass if it was appropriate but as it was likely that young horses would be using the road, there was a risk to pedestrians sharing the space because there would be no barrier or buffer. Councillor Edwards sought clarification that there would be no pedestrian footpath. Councillor Rowlinson advised that there would be a 2m wide pathway with no kerb and in her view this would not protect pedestrians.
8. Councillor Hilary Cole sought clarity on Lambourn Parish Council's position on housing development. Councillor Rowlinson advised that they supported housing in the right place. They considered that this application should not be in a race yard and the parking would be inadequate.
9. Councillor James Cole requested information regarding the running of the stable yard and the consequent traffic movements. Councillor Rowlinson advised that the racing day usually operated 6am-12pm, then 4pm-6pm. Horses would be lead in small groups to the warm up area. Councillor James Cole noted that this happened at present. Councillor Rowlinson continued that under the new development horses would have to cross the road to the new trotting area and this presented an increased risk to both horses and other road users. Councillor James Cole enquired whether the Parish Council objected to the trotting ring being located on the opposite side of the road. Councillor Rowlinson responded that in her view it would fragment the yard, which Policy CS12 sought to prevent. Councillor James Cole noted that the officers' interpretation of policy CS12 in the committee report accepted that the proposed development would support the racing industry. Councillor Rowlinson advised that the statement that the applicant would put reinvestment into the yard would be unenforceable.
10. Councillor Pick asked whether the relocation of the trotting ring to a larger field would be of benefit to the stable yard. Councillor Rowlinson expressed concern that the proposal was to create a small trotting ring in one corner of the field and horses might be able to escape.

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

11. The Chairman permitted the objectors to table a plan depicting the access arrangements as it had been submitted as part of the application. Mr MacKinney and Mr Spary in addressing the Committee raised the following points:
 - Pedestrians would be encouraged to use a pathway which would run close to the entrance of the stable yard. Horses would have to cross this pathway to access the new trotting ring.
 - The development would prejudice the ability of the yard to continue operation.
 - The development could set a precedent for other yards in Lambourn.
 - While they did not question the integrity of the applicant, the assurance that there would be reinvestment into the yard was unenforceable.
12. Mr Parker and Mr Peate in addressing the Committee raised the following points:
 - Mr Parker advised that he had 40 years experience in the racing industry and was involved in the local community. He bought Windsor House in 2011; it was near derelict and he had invested £1m in the house and business. When he bought the house the only other interest had been from a developer.
 - A five-year lease with the trainer had been signed recently.
 - A new facility would be constructed in the paddock opposite the proposed site to improve the training environment for young horses before graduating to the gallops.
 - It was intended that some of the housing would be used by staff.
 - The applicant had worked with officers for a number of years to produce an acceptable scheme.
13. Councillor Bryant noted that concerns had been raised regarding large vehicles using the access and enquired whether there would be turning space in the yard. Mr Parker responded that larger boxes would not be able to turn in the yard and might have to reverse out, with a member of staff to check the safety of the road. Mr Parker confirmed that this was the case at present. Councillor Bryant asked how the safety of the public could be guaranteed. Mr Parker advised that the safety of the public and horses was paramount and was of the view that the plans were sensible.
14. Councillor Bryant further asked what assurances there were that the housing would be used to support those in the racing community. Mr Parker advised that one unit of affordable housing had been proposed and would be conditioned.
15. Councillor Clive Hooker asked who had ultimate responsibility for safety on the stable yard. Mr Parker advised that it was the trainer.
16. Councillor James Cole asked why he should not be concerned regarding potential conflict between young horses and pedestrians. Mr Parker responded that at present there was no proper access to the site. Under the application proposals there would be a formalised access with demarcated areas. As some of the housing would be used by staff if it was likely that they would walk to work and be confident enough around horses so as not to be presented with any risk should they come into contact on the pathway. At present there was potential conflict between horses and Mr Parker's guests and visitors but there had been no issues to date.
17. Councillor Garth Simpson asked what traffic analysis had been carried out on the potential conflict between the operation of the yard and residents. Mr Peate advised that a traffic assessment had been submitted with the application and it

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

- was not anticipated that movement of horses would coincide with the morning or evening peak.
18. In response to a question from Councillor Pick, Mr Parker expressed the view that the new trotting ring would be better designed and a better training facility.
 19. Councillor Beck enquired where stable staff would park. Mr Parker advised that there were 5-6 spaces in the main yard. Councillor Beck further asked when the use of the alternative paddock would be formalised. Mr Peate advised that the legal agreement would cover this matter.
 20. Councillor Hilary Cole sought clarification on the intended use of the housing. Mr Parker advised that one unit would be managed by a housing association and the other may be offered to a member of staff on a lease. Councillor Hilary Cole noted that Mr Parker would be able to sell the site so there would be no guarantee. Michael Butler clarified that planning permission, if granted by the Committee, would be on the land and not personal to the applicant. He did not doubt that the applicant had legitimate intentions but it would be possible for the applicant to sell on the site. The S106 agreement would ensure one housing unit was used as affordable housing. The Registered Social Landlord would have the final say in which tenant would be offered the affordable property.
 21. Councillor Dennis Benneyworth asked where the loading ramp would be. Mr Peate advised that the layout of the site would be determined under reserved matters. Councillor Benneyworth noted that there would be manoeuvring issues on the site and asked if the trainer was aware that there may be development on the site prior to signing the five-year lease. Mr Parker confirmed that was the case.
 22. Councillor Gordon Lundie, speaking as Ward Member, in addressing the Committee made the following points:
 - He had lived close to the site for 16 years and knew the area well.
 - While a member of the Western Area Planning Committee, he had voted against any application which would diminish a yard's viability.
 - Windsor House had an illustrious history and the applicant had developed a thriving yard.
 - Policy CS12 was simple in that permanent fragmentation of yards should be avoided. The proposal before the Committee would challenge the viability and future of the yard.
 - In his experience, partial development of a yard would lead to full development and thus a risk to Lambourn's racing industry.
 - He noted that the trainer was not present at the Committee.
 - Lambourn needed small, medium and large yards to be viable.
 - While Windsor House did require investment, the proposal was not the appropriate solution and could lead to development of the entire site.
 23. Councillor Bryant asked whether Councillor Lundie's objection was regarding fragmentation. Councillor Lundie responded that Policy CS12 stated that the Council should permit development when it would benefit the racing industry and his view was that this proposal would not.
 24. Councillor Edwards asked whether there had been any accidents while Councillor Lundie lived in the area. Councillor Lundie advised that he was not aware of any involving horses but Crowle Road was often used as a shortcut to avoid the High Street and the road was therefore busy. Councillor Edwards asked whether additional pedestrians would be at additional risk. Councillor Lundie stated there

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

- was an increased risk as new residents may not know how to be patient around horses.
25. Councillor James Cole sought clarification on Councillor Lundie's views on fragmentation. Councillor Lundie advised that over the years he had seen small yards fail because they had not been managed to be successful. He did not believe that development of the site would support the yard to be successful.
 26. Councillor Virginia von Celsing asked Michael Butler to provide more information about Policy CS12. Michael Butler explained that the council had adopted the policy to support the local racing industry. In the officers' report a balanced view had been taken and it had been recommended to the Committee that the application would support the local race horse economy. Councillor von Celsing further asked whether there was any legal agreement to ensure money raised from the development would be reinvested. Michael Butler advised that it would not be a personal consent so the Council had no control to prevent the applicant selling on the development if he wished. The S106 agreement would cover the affordable housing unit and the trotting area.
 27. Councillor Beck expressed the view that it was an error that the alternative trotting ring could not have been dealt with under the reserved matters application. Michael Butler stated that with hindsight the agent should have included in the red line of the development the trot up area, and therefore conditions could have been applied to it.
 28. Councillor Pick raised a query regarding the location of trees in relation to the position of the houses. Michael Butler advised that layout would be determined under reserved matters but the permission, if granted would allow six houses to be built on the site. Councillor Pick further enquired upon the drainage arrangements; Michael Butler responded that details would need to be submitted to discharge condition 14.
 29. Councillor James Cole asked whether an application which included the land for the alternative trotting ring would avoid the fragmentation issue. Michael Butler advised that an application with no alternative trotting area was likely to have been refused under delegated powers but as there was an alternative available a balanced view had been taken to recommend approval. The S106 agreement would be worded in such a way to require that an alternative trotting area was provided before development could commence.
 30. Councillor Bryant asked Paul Goddard for more information regarding the assessment of road safety. Paul Goddard advised that the anticipated traffic levels associated with six houses would be very low and horses were not likely to be on the road during peak hours. Taking a common sense approach, horses were likely to be managed by trained staff and drivers should allow horses to pass.
 31. Councillor Simpson expressed the view that he would have liked firmer information regarding traffic movements.
 32. Councillor von Celsing stated that on the basis of Councillor Lundie's presentation, she could not support the application. Councillor James Cole stated that he was not averse to the principle of the development and would be interested in Councillor Benneyworth's views.
 33. Councillor Hilary Cole stated that Lambourn was a racing village and of members of the Committee only she and Councillor Bryant had contributed to the development of policy CS12. It was a strong policy and councillor Lundie was right to be concerned about the impact on the racing industry. Smaller yards should be supported but the proposal before the Committee was not the way forward.
 34. Councillor Benneyworth expressed the view that the trotting ring was in its present location because that was the most appropriate location; he did not think the field

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

opposite the site was the best place for it. Councillor Benneyworth advised that he was involved in racing and had seen the erosion of training facilities. Horses could be dangerous animals so it was not ideal that the access to the site would be shared. Horse management was a seven day per week business and he had reservations about the proposal.

35. Councillor Bryant posited that smaller stables might not continue to be economically viable. Councillor Hilary Cole suggested that smaller stables were essential to ensure trainers gained experience.
36. Councillor Edwards stated that he had listened to the speakers and the debate. He expressed concern regarding the direction of the conversation, in the light of the limited objections by consultees and speculated that had the Jockey Club Estates not submitted an objection the application might have been approved. Councillor James Cole expressed the view that the Jockey Clubs Estate objection was relevant to the Committee's consideration of Policy CS12. Further, he expressed the view that the application was not acceptable on grounds of safety.
37. Councillor Hilary Cole proposed that the Committee reject officers recommendation and refuse planning permission on the ground of Policy CS12, the lack of a S106 agreement and concerns regarding the adequacy of access and the safety of pedestrians. The proposal was seconded by Councillor Beck.
38. The Chairman invited the Committee to vote on the proposal of Councillor Cole as seconded by Councillor Beck. At the vote the motion was carried, with one abstention from Councillor Edwards.

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

1. The Council is not satisfied that the application to develop part of the stables at Windsor House is acceptable, having regard to the advice and policy thrust of CS12 in the WBCS of 2006 to 2026. This policy seeks, where possible, to retain and enhance existing race horse stables in the District area via non fragmentation and loss of facilities on site. This proposal does not satisfy that position, having regard in particular to the supporting text in the policy about protecting existing yards. In addition any development which could harm the future viability of a yard which supports local employment is contrary to the advice in policy CS10 in the WBCS of 2006 to 2026 and the advice in paras 28 and 70 of the NPPF of 2012. It is thus unacceptable.

2. The applicant has failed to enter into the required s106 obligation which would ensure the delivery of one affordable housing unit on the application site. This lack of an affordable unit is contrary to policy CS6 in the WBCS of 2006 to 2026. It is thus unacceptable. In addition a s106 obligation has not been agreed in terms of the delivery of the off-site trot / warm up area to replace the lost facility on site. This is contrary to the provisions of fragmentation in policy CS12 in the WBCS of 2006 to 2026.

3. The Council is concerned that the proposed shared access into the site for both the stables and the proposed new dwellings has the potential to cause and exacerbate conditions of road danger and conflict between pedestrians, road vehicles and race horses especially during peak periods in the mornings and evenings. Accordingly, notwithstanding the proposed s278 works for improving the local highways situation, the Council considers that the scheme is contrary to the advice in policy CS13 in the WBCS of 2006 to 2026, and in particular the advice in the NPPF of 2012 paragraph 32 – bullet point 2. The application is accordingly unacceptable.

- **INFORMATIVE:**

1. This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

2. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

(2) **Application No. and Parish: 17/03127/FULD - 39 Newbury Street, Lambourn, RG17 8PB**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/03127/FULD in respect of a full application to demolish the existing bungalow and redevelop to provide two one-bed flats and four two-bed flats with parking and ancillary areas.
2. In accordance with the Council's Constitution, Councillor Jane Rowlinson, Parish Council representative, Mrs Josephine Bull and Mrs Alison Graham, objectors, and Mr Richard Potter, applicant, addressed the Committee on this application.
3. Derek Carnegie introduced the report to the Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Paul Goddard confirmed that the proposed parking provision complied with the Council's adopted parking standards.
4. Councillor Rowlinson in addressing the Committee raised the following points:
 - The proposed development was tantamount to overdevelopment.
 - Ten parking spaces had been provided and this would be insufficient.
 - Lambourn Parish Council were seeking to obtain responsibility for the grass verge on the corner of the plot through a devolution agreement with West Berkshire Council. These discussions predated the planning application.
 - Sight lines from the access to the site were a concern. The site was on a busy junction close to the fire station and the school.
 - The parish council were not opposed to new housing in Lambourn but were of the view that the proposal would be overdevelopment of the site.
5. Mrs Graham and Mrs Bull in addressing the Committee raised the following points:
 - The proposed development would demolish a family home to build flats and should be rejected. There would be an increase in the number of people, levels of noise and pressure on parking.
 - The site would be on a blind bend and it was a busy route to the local primary school.
 - Members had observed that the street was blocked with parked cars at the site visit. Emergency vehicles would find it difficult to get through the road.
 - An application for two houses on the site had been rejected by the Council in 2015 so it was difficult to understand why six flats was acceptable.
6. Councillor Adrian Edwards asked whether there were any other flats in the area. Mrs Bull advised that there were some flats on Station Road and the road was full of cars overnight.

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

7. Councillor Garth Simpson expressed the view that flats had higher occupancy levels and were likely to own more cars. He asked whether the occupants of the terraced housing were likely to own two cars per household. Mrs Graham noted that many of the terraced houses had driveways so did not need to park on the road.
8. Mr Potter in addressing the Committee raised the following points:
 - Officers had considered the application thoroughly.
 - A S106 agreement would be entered with the Council.
9. Councillor Anthony Pick asked what drainage would be used on the site. Mr Potter replied that an onsite SUDS solution would be used to ensure there was no run-on to the road.
10. Councillor Pick further asked about affordable housing provision. Mr Potter advised that a S106 agreement would be written to provide a contribution for affordable housing in Lambourn off-site. Derek Carnegie confirmed that housing officers would negotiate a sum with the developer and the Council would take a view on where to invest that money within Lambourn.
11. Councillor James Cole asked whether the parking provision met the Council's standards. Paul Goddard confirmed that paragraph 6.4.1 outlined that the parking standards required 11 spaces be provided and the proposal included 11 parking spaces. Councillor James Cole asked whether 11 spaces would be adequate for the needs of the site. Paul Goddard responded that the Council had set the standards based on surveys of the District and the standards had been deemed adequate by the Council and a public examination. Councillor James Cole asked whether the Committee could refuse permission on the basis of parking. Derek Carnegie advised that the Committee could make whatever decision they wished but should the applicant appeal a decision to refuse permission on those grounds the Planning Inspector would note that the parking provision complied with the Council's policy and would not take a favourable view upon the Council.
12. Councillor Edwards asked whether Paul Goddard agreed with the objections raised, as outline on page 45 of the agenda. Paul Goddard advised that he had recommended that the application was acceptable subject to conditions. The site would produce a low number of vehicle movements and while he accepted the existing issues in the area it would be difficult to argue that the proposed development would make them significantly worse.
13. Councillor Simpson expressed the view that residents would rely on their cars for transport and it was possible that occupancy of the flats could be higher than anticipated due to the generous sized rooms. He asked whether more parking provision could be found on the grass verge adjacent to the site. Paul Goddard advised that Lambourn was in zone 3 for parking standards purposes, which required more provision than areas such as Newbury and Thatcham. Lambourn Parish Council were seeking a devolution in respect of the grass verge and it would be for the parish council to determine whether to provide parking spaces on that land.
14. Councillor Dennis Benneyworth stated that he anticipated that the living rooms of the flats might be converted to bedrooms which would place further pressure on parking requirements.
15. Councillor Paul Bryant stated that he did not like garden-grabbing however government advice was clear and there were no Council policies to justify refusal.

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

He proposed that the Committee accept officers' recommendation and approve planning permission. Councillor Jeff Beck seconded the proposal.

16. Councillor Jeanette Clifford expressed the view that the development would be a good use of the site and complied with parking standards as voted for by Members.
17. Councillor Simpson agreed that the development would be a good use of the land and hoped that the parish council could provide some extra parking spaces.
18. The Chairman invited the Committee to vote on the proposal of Councillor Bryant as seconded by Councillor Beck to approve planning permission. At the vote the motion was carried unanimously.

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

Conditions

1. Time Limit

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

Reason: To enable the Local Planning Authority to review the desirability of the development to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and Policy ADPP1 of the West Berkshire Core Strategy 2006-2026 should it not be started within a reasonable time.

2. Plans Approved

The development hereby approved shall be carried out in accordance with drawing title number(s):

Location Plan and Block Plan 1682-A-001 rev B;

Proposal Site Plan 1682-A-003 rev F (received by e-mail dated 18th December 2017);

Proposed Floor Plans 1682-A-100 rev A;

Proposed Elevations 1682-A-202 rev A and A-202 rev B;

Existing Plans

Site Survey 1682-A-002;

Existing Elevations 1682-A-200 and A-201;

Supporting Documents:

Design and Access Statement (RPA Architects Limited);

Flood Risk Assessment (Stilwell Partnership) April 2016 V.1;

Arboricultural Method Statement and Constraints Plan (Silva Consultancy), October 2015;

Additional Arboricultural Information (1682 Sketch RPA for T2 and accompanying e-mail) received by e-mail dated 18th December 2017.

All received with the application validated on 17th November 2017, unless otherwise specified or agreed in writing by the Local Planning Authority.

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

Reason: To ensure that the development is carried out in accordance with the submitted plans. In the interest of amenity and in accordance with Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

3. Materials

No development shall commence until full details of proposed external facing materials (brick, render, roof covering, windows, doors and architectural features) have been submitted to and agreed in writing by the local planning authority.

A schedule shall be submitted listing all proposed materials, with samples made available on site upon request.

The new building shall be constructed using the approved materials unless alternative materials are agreed in writing by the local planning authority before being used.

Reason: In the interests of amenity and in accordance with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

4. Hours of Work (Construction)

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.

5. CONS1 - 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. 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).

6. HIGH2 - Access Closure with reinstatement (YHA10)

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

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

Reason: In the interest of road safety and highway maintenance. 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).

7. HIGH4 - Footway/cycleway provision (construct) (YHA11A) variation

No development shall take place until details of a 1.5 metre wide footway to be constructed on the western side of Newbury Street fronting the application site is submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway. The Developer must enter into a S278 Agreement for the construction of the 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).

8. HIGH7 - Surfacing of access (YHA15)

No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway 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).

9. HIGH9 - Visibility splays before development

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the 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).

10. HIGH12 - Parking/turning in accord with plans (YHA24)

No dwelling shall be occupied 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).

11. HIGH20 - Cycle storage (YHA41)

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

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. No dwelling shall 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. This condition shall apply irrespective of any details shown on the submitted plans.

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

12. Storage of refuse

No development shall take place until details of the provision for the storage of refuse and recycling materials, including means of enclosure 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).

13. Landscape Scheme

No development (except demolition) shall commence on site until full details of proposed landscaping scheme have been submitted to and agreed in writing by the local planning authority.

The landscape scheme shall be implemented in full, within the next planting season following first occupation or completion of the development (whichever is the sooner).

The scheme will include the provision of at least two new trees on the highway and to the south of the application site. Maintenance for these trees and any required replacement will be limited to two years after first planting.

Any trees, shrubs or plants that die or become seriously damaged, on the application site) within five years of the scheme first being implemented (planted) shall be replaced in the following year by plants of the same size and species.

This condition shall be implemented in full unless an alternative scheme/timescale is agreed in writing with the local planning authority.

Reason: The landscape scheme will ensure that the visual character of the area and amenity is not unduly harmed. In accordance with the objectives of Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

14. AMS

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.

15. Tree Protection

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

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. On land to the south of the application site) 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.

16. 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.

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.

17. Boundary and Hard Surfacing Treatments

No development or other operations (except demolition) shall commence on site until a scheme of fencing, other means of enclosure to be erected and hard surfacing on the site is submitted to and approved in writing by the Local Planning Authority.

No dwelling shall be occupied before the fencing, other means of enclosure and hard surfacing have been constructed in accordance with the approved plan and retained thereafter.

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

18. SuDS

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) 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;

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- e) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- l) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

The above sustainable drainage measures shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

19. PD Rights Fencing

Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision to the Order), no wall, fence, gate or other means of enclosure shall be erected between the forwardmost part of the buildings and the highway/ access drive boundary and to the rear and side boundaries to the area of open space (except where approved as part of condition details).

Reason: The detailed design of this development relies upon an area of unenclosed space to provide a setting for the buildings and overall development. The enclosure in whole or in part of this space would destroy the setting and have an adverse effect on the character and amenities of the development in conflict with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informatives

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

HI 1 Access construction

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

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.

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.

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.

HI 9 Incidental works affecting the highway

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

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

CIL liability

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

DEC4 - Approval - Need for Revision/Reps rec'd

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.

WESTERN AREA PLANNING COMMITTEE - 25 APRIL 2018 - MINUTES

DC

56. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.30 pm and closed at 9.19 pm)

CHAIRMAN

Date of Signature