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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, 16 MAY 2018

Councillors Present: Jeff Beck, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Billy Drummond, Paul Hewer, Clive Hooker (Chairman), Anthony Pick and Garth Simpson

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 Adrian Edwards and Councillor Virginia von Celsing

Councillor Absent: Councillor Dennis Benneyworth

PART I

3. Minutes

The Minutes of the meeting held on 25th April and 8th May 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendment to the minutes of 25th April 2018:

Page 9, point 26: replace 'Councillor von Censing' with 'Councillor von Celsing'.

4. Declarations of Interest

Councillors Jeff Beck, Billy Drummond 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.

Councillors Hilary Cole and James Cole declared an interest in Agenda Item 4(2), but reported that, as his/her/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.

5. Schedule of Planning Applications

(1) Application No. and Parish: 18/00529/FULEXT, Land West of New Road, North of Pyle Hill, Newbury

(Councillors Jeff Beck 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 Billy Drummond declared a personal interest in Agenda Item 4 (1) by virtue of the fact that he was a member of Greenham Parish Council and the application had been discussed. 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.)

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/00529/FULEXT in respect of a proposal for the erection of 36 dwellings with associated roads, amenity open space, and access to New Road at Land West of New Road, North of Pyle Hill, Newbury.
2. In accordance with the Council's Constitution, Mr John Hanlon – Glanville, Mr John Baker – BSG Ecology and Ms Laura Cox – Pro Vision, Planning and Design (Winchester), applicant/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. He clarified that the application was almost identical to an application previously approved by the Committee. That application had been found to be invalid so a new application was submitted. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable subject to the completion of a S106 planning obligation. Officers strongly recommended the Committee grant planning permission.
4. Ms Cox in addressing the Committee raised the following points:
 - The application was almost identical to the application approved by the Committee in January with only one vote against. There had been no change in circumstances and fewer objections than the previous application.
 - The application accorded with all the Council's relevant policies.
 - The Council would be reliant on the development of the site to meet its five year housing supply requirements.
 - The proposed development would offer 14 units of affordable housing in a low density development.
 - A footway link to a proposed development site to the north west was included in the new application.
 - Trees and hedges on the site would be maintained, supporting a high quality environment.
 - A S106 contribution would be made in addition to the provision of on-site affordable housing.
5. Councillor Jeff Beck asked why the developer would make a financial contribution to affordable off-site in addition to the 40% affordable units on the proposed site. Ms Cox advised that Council officers had requested an additional contribution.
6. Councillor Paul Bryant noted that the footpath along New Road would at points mean the highway was narrowed and asked for a view in the event that the Committee requested it to be moved. Ms Cox advised that the Council was satisfied with the proposed width of the highway.
7. Councillor Anthony Pick asked who would maintain, and fund the maintenance, of the open space included in the application. Ms Cox advised that the developer would contract a management company, the cost of which would be funded by residents.
8. Councillor Billy Drummond asked why the footpath on New Road was not planned for the other side of the road, given the generous width of grass verges on that side. Ms Cox advised that it had been considered and dismissed due to crossings.

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

9. Councillor Beck asked whether the housing association or the tenants would be charged the open space maintenance fee. Ms Cox advised that it was yet to be determined but it was likely the housing association would be responsible.
10. Councillor Drummond, speaking as Ward Member, in addressing the Committee raised the following points:
 - It was disappointing that the red line area of the site did not include the field between the site and the site to the north west, to ensure that it remained part of the green infrastructure corridor.
 - Conditioning the proposed path as a public right of way would be preferable to ensure access was protected.
 - There was a grass verge towards Bury's Bank Road and it would be preferable to complete the footpath infrastructure from the site in full to prevent pedestrians needing to cross the road twice if they wished to use a footpath.
 - Repeated applications were a waste of taxpayers money and officer time. No additional fees had been paid.
 - Councillor Drummond quoted "I don't understand why when we destroy something created by man we call it vandalism, but when we destroy something created by nature we call it progress."
11. Councillor Pick stated that the field was a landscape cultivated by man and not natural. Councillor Drummond responded that it was a beautiful field.
12. Councillor Bryant stated that he would prefer the width of the highway to be maintained and a new hedge to be planted if necessary. Paul Goddard advised that the hedge was overgrown and Highway's land started some 2m back from the carriageway. In any event there was a condition proposed to ensure the highway width would not be less than 4.8m at any point. In answer to a further question from Councillor Bryant, Paul Goddard advised there would be no Highways objection should Members insist that the land for the footway be taken from the verge. Michael Butler advised that should Members wish to amend the plans the application might need to be deferred. He would also recommend against Councillor Bryant's suggestion as there would be an impact on the size of the gardens and they would no longer meet best practice guidelines.
13. Councillor Pick enquired which proposed condition would secure active management of ecological mitigation measures. Michael Butler confirmed that it would be secured via condition 15. Councillor Pick further noted that the committee report highlighted that only a small amount of the CIL would be used for ecological mitigation at Greenham Common. Michael Butler advised that the Council had set the CIL rate and this had been found acceptable at a public inquiry. The Ecological Officer had advised that the contribution would be sufficient.
14. Councillor Bryant expressed the view that it would be better to remove the hedgerow in order to construct the footpath on the Highway's land, instead of narrowing the carriageway.
15. Councillor Pick stated that a more robust approach to the management of the open space was required in case the current developer was not able to build out the site. He also stated that he would like a more detailed condition regarding the ecological matters.

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

16. Councillor Hilary Cole stated that she would not want the application to be deferred due to amendments that were beyond the scope of a conditional approval of planning permission. She also noted that Greenham Parish Council would receive 15% of the CIL and could consider using it to support biodiversity.
17. Councillor James Cole expressed the view that he would prefer that the existing hedgerow be managed rather than replaced as there would be better biodiversity through its retention.
18. Councillor Beck stated that he supported Councillor Bryant's view regarding the footpath.
19. Councillor Bryant expressed the view that as the footpath would be on land owned by the Council, it was within the Council's gift to determine the location of the footpath.
20. Councillor Drummond said that he would prefer the current hedgerow be retained.
21. Councillor Pick asked whether the proposed new footpath to connect to the other site could be made a Public Right of Way (PROW). Michael Butler advised that it could not.
22. Councillor Hilary Cole expressed the view that it would be vandalism to destroy the existing hedgerow which even if replaced would require maintenance.
23. Councillor Paul Hewer agreed with the retention of the hedgerow and expressed concern that the developer might replace it with a fence if not protected.
24. Councillor Bryant accepted the Committee's viewpoints and proposed that officer's recommendations to approve planning permission be approved. Councillor Hilary Cole seconded the proposal.
25. Councillor James Cole sought further clarification regarding the maintenance of the open space. Michael Butler advised that the relevant officer had not objected to the application. Members determined that ongoing management of open space was a policy issue which would be referred to the Council's Planning Advisory Group.
26. The Chairman invited the Committee to vote on the proposal made by Councillor Bryant as seconded by Councillor Hilary Cole to grant planning permission. The vote was put to the Committee and passed by a majority, with one vote against.

RESOLVED that the Head of Development and Planning be authorised to grant planning permission subject to the first completion of a s 106 obligation and the following conditions:

Conditions

3 YEARS

Subject to the following conditions (if any):-

TIME

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

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015, should it not be started within a reasonable time.

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

MATERIALS

2. No development shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority.

This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with HSA4 of the HSADPD of May 2017.

HOURS OF WORKING

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

Reason: In order to protect the amenities of surrounding residents in accordance with policy OVS6 of the WBDLP 1991 to 2006 [Saved 2007].

FLOOR LEVELS

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

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with HSA4 of the HSADPD of 2017.

FIRE HYDRANTS

5 No development shall commence until full details of additional fire hydrants are agreed on site. The development shall be implemented in strict accord with these approved details.

Reason: To ensure public safety in accord with NPPF advice.

DUST SUPPRESSION

6 No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust during the development construction period. The construction process shall be carried out in accord with that scheme of works, once approved in writing by the Council.

Reason: In the interests of the amenities of neighbouring occupiers. In accord with NPPF advice.

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

LAND CONTAMINATION

7. 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:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service

lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- 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'.

1. 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.

2. 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

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

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.

3. 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:

4. 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.

CMS

8. 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

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

(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).

LAYOUT

9 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 and the Developer to enter into a S278/S38 Agreement for the adoption of the site. 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 and to ensure waste collection. 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).

ACCESS

10. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s). For the avoidance of doubt this shall include the sole vehicle access onto New Road.

Reason: In the interest of highway 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).

VISIBILITY

11. 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).

PARKING

12. 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. In addition, no dwelling shall be occupied until the cycle parking has been provided in accordance with the approved

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development allows for appropriate car parking on the site, and to reduce 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).

PLANTING SCHEME

13. On the first planting season post the first occupation of any dwelling hereby permitted the soft landscaping scheme as identified on the Golby and Luck plan number GL0726 01a dated 17/08/17 will be commenced. This scheme shall then be completed in its entirety to the satisfaction of the Council and maintained for a 5 year period post first occupation.

Reason. To enhance the visual aspects of the scheme in accord with policy HSA4 in the HSADPD of May 2017.

BADGERS

14. No development works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include; a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches / excavations or by using planks placed into them at the end of each working day and b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason. To conserve this protected species on the site in accord with the advice in the NPPF.

CEMP

15. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;

- a) Risk assessment of potentially damaging construction activities
- b) Identification of biodiversity protection zones
- c) Practical measures to avoid and reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities of the ecological clerk of works or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs"

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected species on site in accord with policy CS17 in the WBCS of 2006 to 2026.

LIGHTING STRATEGY

16. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:-

- Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging; and
- Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect light sensitive species on site in accord with policy CS17 in the WBCS 2006 to 2026.

MINERALS

17 No development shall commence 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.
- ii. A methodology that ensures that construction aggregates that can be viably recovered during development operations are recovered and put to beneficial use, with such use to be agreed with the Local Planning Authority.
- 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: The approval of this information is required at this stage because insufficient information has been submitted with the application. To ensure compliance with Policy GS1 of the Housing Site Allocations DPD (2006-2026), and Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire as the application does not provide sufficient information in respect of the potential mineral resources located beneath the application site.

SUDS

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

18 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;
- 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 and allow discharge from the site to an existing watercourse at no greater than 1 in 1 year greenfield run-off rates;
- 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.
- 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;
- r) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- v) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- x) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- y) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings approved are occupied. The 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.

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

ARCHAEOLOGY

19 No development/site works/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 NPPF advice.

WATER SUPPLY.

20 Development must not commence 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/this additional demand. In accord with advice in the NPPF.

TREE PROTECTION

21 No development (including site clearance and any other preparatory works) shall commence on site until an amended 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.

TREE WORKS

22 No development or other operations shall commence on site until an amended detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority. In addition no development or other operations shall commence on site until an amended landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority.

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

AMENDED PLANS

23 The development must be carried out in accord with the amended block plan 2220/p1-01 rev Q as on the file. In addition the development must be carried out in accord with the following plans. All the proposed elevation plans on the electronic file dated the 21st February 2018, the play area plan by Golby and Luck GL0726 02, soft landscaping plan 01H , The housing mix plan number 2220/p1-09, parking plan 2220/p1-06, refuse strategy plan 2220/P1-07, hard and soft surface plan P1-08, fencing plan P1-05, and revised red line plan number P1-00Rev G1 .

Reason—for clarity in accord with the advice in the DMPO of 2015.

1 No development shall take place until details of crossing points across Drayton's View and / or New Road have been submitted to and approved in writing by the Local Planning Authority. The crossing shall consist of dropped kerbs and tactile paving. No dwelling shall be occupied until the crossing(s) 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 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).

2 No development shall take place until details of a footway south of the site along New Road have been submitted to and approved in writing by the Local Planning Authority. The footway shall be to a minimum width of 1.5 metres with New Road alongside retained to a minimum width of 4.8 metres. 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/cycleway has been re-sited to provide an unobstructed footway/cycleway.

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).

INFORMATIVES

1 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

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

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

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

(2) Application No. and Parish: 17/03553/FULD Land east of Curridge Green Riding School

(Councillor Hilary Cole declared a personal interest in Agenda Item 4(2) by virtue of the fact that she was a member of Chieveley Parish Council and had been present when the matter was discussed. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/03553/FULD in respect of a proposal for the erection of a three bedroom rural workers dwelling associated with Curridge Green Riding School at land east of Curridge Green Riding School.
2. In accordance with the Council's Constitution, Mrs Lesley Dick, supporter, and Mrs Sara Dufield, applicant/agent, addressed the Committee on this application.
3. Derek Carnegie 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 unacceptable and a conditional approval was not justifiable. Officers clearly recommended the Committee refuse planning permission.
4. Mrs Dick in addressing the Committee raised the following points:
 - She was speaking as one of 39 supporters of the application and had lived in Curridge for 30 years.
 - The applicant, Mrs Dempsted, had agreed to take over the management of the stables.
 - The Riding School was valued by the community and helped to foster a love of the countryside in children.
 - The Council should nurture rural businesses.
 - The situation was a special case.
 - Councillor Garth Simpson asked what the Riding School's customer base was. Mrs Dick advised that she could not give a figure but it was busy particularly in evenings and weekends.
 - Mrs Dufield in addressing the Committee raised the following points:

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

- The landowner sought to retire and handover management of the business to Mrs Dempster due to his age and deteriorating health.
- The view of Reading Agricultural Consultants (RAC) was that Mrs Dempster could continue to move into the applicant's property while the landowner was on holiday. This was unreasonable and impractical. The current owner could not provide 24 hour cover to the yard.
- The business required investment and the sale of land to the applicant for the proposed dwelling would support capital to be raised and reinvested in the yard.
- It was intended to sell the entire business to Mrs Dempster in the future.
- The size of the proposed dwelling had been criticised in the committee report but had been designed to meet Mrs Dempster's needs.
- Councillor Beck asked how long the house would take to build. Mrs Dufield advised that it would be six months.
- Councillor Pick asked how many people were required to be on site overnight. Mrs Dufield advised that one person was needed overnight and there were usually more during the day.
- Councillor Simpson asked why the sale of land for the dwelling was not connected to the business. Mrs Dufield advised that the current landowner and Mrs Dempster had reached their own arrangement and it was intended to sell the business to Mrs Dempster in the future.
- Councillor Pick asked how the property would be enforced as a rural workers dwelling when its ownership would not be tied to the business. Mrs Dufield advised that planning conditions were separate to ownership and it would be up to the Local Planning Authority to enforce the matter should a complication arise.
- Councillor Hilary Cole, speaking as Ward Member, in addressing the Committee raised the following points:
 - She had been asked to call-in the application by Mr and Mrs Mills, the current landowners, to provide an opportunity for the applicant to present their case.
 - It would have been preferable for the application to have been submitted by the landowner and the dwelling to be retained in their ownership.
 - If the applicant built the property and was then unable to manage the business there may be a further application for a further dwelling for a new manager.
 - The council's policy C5 required the applicant to demonstrate the need for the property and they had not met the test. Therefore the proposal was for a new dwelling in open countryside which there was a presumption against, except in the case of exceptional need.
 - An application for a gypsy and traveller site near to Curridge had been refused and dismissed at appeal due to the impact on the area and poor access to amenities.
 - She asked the Committee to determine the application in line with the Council's policies, albeit reluctantly as she knew the value of the business to the local community.

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

- Councillor Pick asked whether Councillor Hilary Cole's objection was purely on policy grounds. She responded that she expected there were different views and had considered the application in relation to the Council's policies.
- Councillor James Cole stated that he did not agree with the RAC report and it would not be practical to run the business remotely. He agreed with the supporter that the Council should support rural businesses and recognised that it was essential for the Riding School to have 24/7 presence on site. He was however not comfortable that the site could be tied to the business and therefore could not support the application.
- Councillor Paul Bryant stated that he might have more sympathy if two people were required on site overnight but it had been confirmed that only one was needed. He accepted that the current landowner wished to retire and had a right to stay in his home. He proposed that the Committee accept the officer's recommendations and refuse planning permission. The proposal was seconded by Councillor Hilary Cole.
- Councillor Beck recognised that there were dwellings neighbouring the site which had no connection to the business. He expressed the view that all practical reasons should overcome the planning concerns.
- Councillor Pick stated that he agreed with the criticism of the RAC report which in his view had been ill-considered and impractical. He had sympathy with the applicant and understood the landowner's wishes to remain on site. Councillor Pick continued that he agreed with the planning concerns which could not be easily overcome. He would have preferred a better proposal and better advice.
- Derek Carnegie advised that if Members were minded to approve planning permission, the application would be referred to the District Planning Committee as the proposal was outside the Council's development plan.
- Councillor Simpson noted that had the site not been within the AONB officers might have made a different recommendation.
- The Chairman invited the committee to vote on the proposal of Councillor Bryant as seconded by Councillor Hilary Cole to accept officers recommendations and refuse planning permission. At the vote the motion was carried with two votes against. Councillor Beck asked that his vote against be recorded.

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

1. The application site is located within the open countryside, outside of any defined settlement boundary where there is a presumption against new housing subject to certain exceptions including, amongst others, housing to accommodate rural workers where genuine need can be demonstrated. In these particular circumstances, the applicant has failed to demonstrate essential need for the proposed house. Furthermore, the size of the proposed house, at 220sq.m is considered too large and out of scale with any genuine business need. In the absence of satisfactory justification, the proposal would amount to new housing located outside of any defined settlement boundary within an unsustainable location in conflict with the overall aims and objectives of Core Strategy Policies ADDP1, ADDP5, CS1, CS12, Housing Site Allocations DPD Policies C1, C5 and Paragraph 55 of the National Planning Policy Framework.

(The meeting commenced at 6.00 pm and closed at 8.05 pm)

WESTERN AREA PLANNING COMMITTEE - 16 MAY 2018 - MINUTES

CHAIRMAN

Date of Signature