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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, 3 NOVEMBER 2021

Councillors Present: Adrian Abbs, Phil Barnett, Dennis Benneyworth (Chairman), Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker, Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Stephen Chard (Democratic Services Manager), Paul Goddard (Team Leader - Highways Development Control), Jack Karimi (Democratic Services Officer) and Cheyanne Kirby (Planning Officer)

Apologies for inability to attend the meeting:

Councillor(s) Absent:

PART I

23. Minutes

The Minutes of the meeting held on 13 October 2021 were approved as a true and correct record and signed by the Chairman.

24. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett and Tony Vickers declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Howard Woollaston declared an interest in Agenda Items 4(2) and 4(3), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

25. Schedule of Planning Applications

(1) Application No. and Parish: 21/01911/FULD, Land Adjoining, 11 Pond Close, Newbury

(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council's Planning and Highways Committee where Item 4(1) had been discussed. 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 Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Local Ward Member. 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.)

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(Councillors Carlyne Culver and Tony Vickers declared that they had been lobbied on Agenda Item 4(1))

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/01911/FULD in respect of the land adjoining, 11 Pond Close, Newbury.
2. Ms Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, (Team Leader, Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the proposal had been considered on three previous occasions, and only refused on highway grounds as a legal agreement needed to be submitted before roads could be widened. It was not refused for any other highway reasons. It should then also be noted that the current proposal was smaller than previous submissions. Seven spaces were required to comply with the Council's car parking standards, and nine spaces were proposed. Cycle storage was provided along with it electric vehicle (EV) charging points. No new accesses were provided with this proposal.
4. Mr Goddard noted that Pond Close was narrow, at just over four metres wide. To alleviate this concern, it was proposed to widen a section of 30m at the front of the site. Existing dwellings to the south had onsite car parking, however nos. 11 and 12 parked on the street. Therefore to allow for space for emergency vehicles, Highways Officers insisted that Pond Close be widened along this section to 4.8m, which was the standard width for all new estate roads. There was also to be a 1.5m wide footway for pedestrians of along the entirety of the frontage. He would expect a maximum of 20 vehicle movements a day for the site and suggested that this was not a significant impact and he reminded Members of paragraph 111 of the National Planning Policy Framework (NPPF), that stated that planning applications should only be refused on highway grounds if the impact was severe. In his view, he did not regard the impact as severe due to the mitigations made.
5. In accordance with the Council's Constitution, Mr Nigel Foot, Newbury Town Council, Ms Lorraine Cladingboel and Ms Rachel Reeves, objectors, Mr Andrew House (A, D and E Property Ltd), applicant, addressed the Committee on this application.

Parish/Town Council Representation

6. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
 - Newbury Town Council (NTC) strongly objected to the development, due to the overdevelopment and highways and parking issues, which would limit emergency vehicle access.
 - NTC observed that this was the fourth application over the last 10 years and they had great sympathy the residents who felt that Pond Close could not accommodate a development of this nature due to the parking difficulties and limited access it would cause.

Member Questions to the Parish/Town Council

7. Councillor Hilary Cole queried how parking would present an issue when more than sufficient parking was being proposed. Mr Foot noted that there was a lot of on-street

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parking at the moment and it was likely that potential residents would have more than one car, or visitors, and that the road was extremely narrow.

8. Councillor Adrian Abbs asked Mr Foot to expand on his knowledge of the area as originally designed. Mr Foot believed that the estate had been built in the 1950s when cars ownership was less common and cars were smaller. Before being fenced off, the garage site had provided current residents park with off-road parking.

Objector Representation

9. Ms Rachel Reeve and Ms Lorraine Cladingboel in addressing the Committee raised the following points:
 - The residents of Pond Close collectively objected in the strongest terms to the development.
 - The applicant had never been approached the residents for consultation.
 - Residents wanted a safe place to live.
 - The Close was very narrow single lane with one entrance and exit point, and visibility was poor due to the slight bend at the entrance.
 - If the application were to be approved, the close would become a dangerous, claustrophobic corridor, with drivers in danger of meeting a vehicle coming the other way. Pedestrians would be forced to walk in the road as cars would have to park fully on the pavement.
 - There were many young children living in the Close who would be put at risk.
 - The proposed site area was used by vehicles to manoeuvre around cars parked in the street.
 - The original planners had provided a passing space in addition to the garages.
 - Until the fence was erected the site was regularly used by residents, visitors and tradesmen as a parking area, passing space or turning area.
 - It was a crucial space for residents, who looked after it, contrary to the views of the applicant. It was only after the fence had been erected that the land has fallen into a state of decay.
 - The applicant suggested that all residents had off-road parking, but this was not the case. Some residents had created off-road parking, at their own expense, however not all residents would be able to do this. The home owners directly opposite the site that owned a camper van and transit van, would not be able to move their vehicles should the development go ahead. Existing residents would be negatively impacted.
 - It was misleading to describe the application as smaller than previous rejected proposals, as the size and position of the buildings was the same, which raised the same concerns as before. The occupancy of the flats would be higher, with flat one housing six people and flat two housing five people. It was likely that rather than families, the flats would house multi-occupancy tenants, who would realistically each own a car. There would not be enough parking spaces to accommodate this number of people. Residents felt this would pose a serious and genuine threat to their safety.
 - The proposed application included a passing point, however the number of dwellings would mean that the area would rapidly become a place to park extra cars.

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- Whilst the applicant had provided electric charging points the likelihood of injury occurring to an adult or child from near-silent vehicle emerging from restricted view parking spaces and driveways would be very high.
- The Close was very family orientated, with no flats in the Close or surrounding area. The proposed housing was not in keeping with the residential type of area.
- As with all the other applications, residents were concerned about access for large vehicles including emergency services as there was no turning circle at the end of the Close.
- The Close was very prone to flooding and had experienced water pipe issues. The addition of more dwellings would exacerbate these issues.
- They were also concerned about the huge inconvenience the building works will create for all residents. The likelihood being that they would be trapped as there was only one access point.
- They were not experts, but were honest, hardworking taxpaying citizens who chose a quiet place to live and were being subject to endless planning applications which will cause irreversible damage to the Close and be detrimental to the safety of its residents.
- This development was too big and the financial gain that the applicant will achieve would be nice for him, but the legacy of his greed would be the abject misery for the residents of Pond Close, as tensions would grow between a close-knit community, as accessibility and parking were permanently reduced, and their safety forever compromised.

Member Questions to the Objector

10. Councillor Tony Vickers asked what had led residents to believe that the flats might be multiple-occupancy households. Ms Reeve responded that it was part of the application, and she doubted whether families would buy a flat.
11. Councillor Vickers sought further clarification as to whether the residents considered parking to be part of their general amenity. Ms Reeve responded that it was. Ms Cladingboel responded that residents had always rented the garages from the Council, until they became derelict. They had then parked on the site. However as it had been fenced-off they could no longer park there. They had tried hard to get cars off the road, but it was now difficult to walk on the pavement as cars were parked there.
12. Councillor Phil Barnett noted that when he had visited the site in the past springs had flooded the area. He inquired whether this was still a regular occurrence. Ms Reeve responded that it was, and that as the new development was at a low point in the road, water would run off the surrounding land into the site. It was called Pond Close for a reason.
13. Councillor Carlyne Culver asked if there was a known incident of an emergency vehicle having difficulty entering the road. Ms Cladingboel responded that the applicant's fence had had to be moved back to allow an ambulance to enter, as it could not get access. Councillor Hooker further queried whether there had been any problems before the erection of the fence. Ms Cladingboel responded that there had not.
14. Councillor Culver noted that there was a turning area on the road opposite no. 21, and asked if that was sufficient. Ms Reeve responded that it was not designed as a

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turning circle and was more of a “three, four or five point turn” area, depending on who many cars were parked on the road.

Applicant Representation

15. Mr Andrew House in addressing the Committee raised the following points:

- This application would deliver a combination of two bedroomed houses, and three bedroomed flats, thereby enhancing the residential stock in this area of Newbury.
- All had been designed to be affordable, possibly for first time buyers, and would utilise a brown field site which was currently unused and an eyesore detracting from Pond Close.
- The application took direction from the reasons for refusal of previous applications, by reducing the level of housing density being applied for, increasing the amount of off-road parking, and increasing the area of amenity space provision.
- The site had redundant concrete garages and an extensive area of concrete hard-standing. This would be transformed into a well-designed development, including trees, grass and soft landscaping as well as taking account of the bio-diversity requirements
- The housing design had been considered for style, positioning and the height of buildings within Pond Close. As well as the outlook of housing backing onto the development from properties fronting Elizabeth Avenue.
- The proposed buildings were subservient to surrounding properties in Pond Close.
- The development would provide high quality accommodation, comprised of a pair of two bedroomed semi-detached houses, and a pair of three bedroomed flats. Each had an EV charging point and two dedicated parking spaces. An additional visitor space was included, fronting the highway that would be widened for an extended length with the insertion of raised kerb stones to enhance pedestrian safety on that footway.
- This application acknowledged the unopposed detail of the previous scheme remaining unchanged in design, parking access, landscaping and bio-diversity all of which had been approved by the Council’s consultees.

Member Questions to the Applicant/Agent

16. Councillor Abbs asked for clarification as to when and why the garages on the site had become disused. Mr House noted that those who had been renting garages were asked to vacate prior to the land being sold at auction. Mr House understood that there had been a minimal number of people using the garages. He also noted that the Planning Inspector at one of the previous hearings, had stated that parking should be prohibited on the site.

17. Councillor Abbs queried what level of sustainability would be built to. Mr House responded unsure of what the standard was called, but that that the architect had confirmed that the build would be to a high quality standard. Councillor Abbs further queried whether the applicant was aware of Policy CS15. Mr House responded that he was not.

18. Councillor Culver posed three questions:

- i. How many of the proposed flats would be affordable?
- ii. What kind of family would require three double bedrooms?
- iii. Where was the raised kerb situated?

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19. Mr House responded to question three by explaining that footway would be 1.5m wide, and there would be raised sections in front of the properties where vehicle would not be able to transverse from the highway to the property. His response to question two was that the architect had designed the scheme to mitigate the reasons for refusal of a previous application. As everything else was acceptable to the Planning Inspector, in terms of design and access, rather than totally redesign building, the architect reduced the number of flats from four to two, therefore creating space to allow for larger bedrooms. With regards to affordability, the units were smaller than the general houses within the area, they would be more affordable for a greater number of people.

Ward Member Representation

20. Councillor David Marsh in addressing the Committee as Ward Member raised the following points:
- He wanted to speak in support of the residents of Pond Close. The residents were not NIMBYs (Not in My Back Yard), the site had been allowed to become an eyesore, and were supportive of work that could make it more attractive. However sadly, this development was not appropriate.
 - Pond Close was built in the 1950's the garage area was mandatory and for many years provided parking and a passing place/turning area. He considered that the Council, as the original landowner before it was taken over by Sovereign, had a duty of care to residents not to make their lives worse with additional traffic and parking problems.
 - It was much the narrowest residential road in his Ward. It was basically single lane. The proposed widening, in his view, would not resolve the problem.
 - The problem was much worse for emergency vehicles and waste trucks, which had to reverse the length of the Close to exit as there was no longer a turning space. He considered that the images presented were misleading as they showed no parking cars on the road.
 - Councillor Marsh drew the Committees attention to the applicant's admission that there would be space for five or six people in each flat. He believed that the number of parking spaces was not sufficient for this number of people.
 - Some residents had turned their front gardens into drive-ways, however those directly opposite the site were owned and let by Sovereign. The residents were therefore unable to make changes to the properties and had to park on the pavement. This meant that pedestrians were forced into walking into the road to get past parked vehicles. In his view this issue would be exacerbated.
 - Another issue was that should the sight lines were poor for those exiting the site.
 - Previous applications for this site had been rejected following similar discussions. The applicant had not taken the opportunity to scale back his design, instead he has reduced the number of buildings below the affordable homes threshold, but had increased the number of people that could live in the development. He urged the Committee to refuse the over development.
21. Councillor Abbs in addressing the Committee as Ward Member raised the following points:
- Councillor Abbs considered that the applicant was performing a magic trick to make it look as if the application met the Council's policies, however he doubted

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that changing a 42m parking strip to residential use could meet the Council's standards.

Member Questions to the Ward Member

22. Members did not have any questions of clarification.

Member Questions to Officers

23. Councillor Vickers referred to the Update Report and asked whether a Condition to provide a Car Club might be relevant to this site, as it had been applied to a large strategic site. The site was built prior to the creation of the PI parking policy, and he queried whether the application should now be looked at with this policy in mind. Mr Till offered the view that the Car Club was used as an offset contribution where there was a shortfall of parking in urban areas. Highways Officers considered that there was no shortfall in parking in this application. In terms of policy PI, this referred to parking to meet the requirements of the site. It did not refer to offsetting parking to facilitate mitigation of what were historic parking problems associated with non-planning issues, those being land ownership and transfer. Mr Goddard stated that a Car Club was a good idea, however he reminded Members that they should consider the proposal before them, and whether it complied with the Council's parking standards.
24. Councillor Vickers raised a question regarding the term "general amenity" and the Planning Inspectors ruling at the last appeal that the application should be refused, as there was over development caused by loss of general amenity. He queried whether general amenity meant the loss of existing parking, and should a new development mitigate the harm caused by the loss of parking. Mr Till commented that it was arguably a matter for debate.
25. Mrs Armour responded that the legislation regarding Section 106, was clear in that it had to be the harm of the development, and that Members should bear in mind whether or not the development was approved the owner could still restrict parking on the site.
26. Councillor Barnett referred to the Update Report and asked whether the width of the road at its narrowest point was still 3.9m. Mr Goddard confirmed that the measurement had not changed.
27. Councillor Barnett further questioned Officers regarding the north side of the site and affected residents in Elizabeth Avenue, however looking at the site he queried whether the house affected by the dip in the land was backing onto Woodridge. Miss Kirby confirmed that the dwelling visible on site was 49 Elizabeth Avenue.
28. Councillor Clive Hooker queried the lack of a consultation response from SuDs, and that the report stated that there was no risk of flooding. However, the objector had mentioned that a spring emerged on the site. He was concerned by the lack of response and the generalisation in terms of how the flooding would be overcome. Mr Till explained that the flooding categorisation under the Environment Agency's flood maps was on the basis of risk of flooding. It was important to note that just because an area was in Flood Zone 1, it did not mean that it would not flood but that it was at the least risk of flooding. Many of the areas that flooded in 2007 were in Flood Zone 1, but experienced an extreme rainfall event. The important thing to note in respect of the lack of SuDs response, which he agreed was unfortunate as it was an issue residents, was that SuDs did respond to the 2020 application which was a nigh on identical scheme in its built form. In that case, they raised no objections and recommendation of a comprehensive drainage condition. He also noted that the provision of a comprehensive scheme of SuDs requires that calculations were

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provided for an extreme rainfall event and that all onsite surface water was addressed on site, dealt with onsite and did not make its way into the local area to compound flooding problems. The starting point for SuDs conditions was to seek a betterment in the existing situation where there was previously developed land. In that respect, that there were no concerns regarding flood risk in the area.

29. Councillor Hooker asked for clarification of the flooding risk presented by rising springs. Mr Till responded that the only available information was the Environment Agency's Flood Map. Officers were not able to provide details of the rising spring, however he could confirm that it had not been identified as a critical drainage area, where there were factors that would compound to excess flooding issues elsewhere.
30. Councillor Abbs noted that there was a target of an average of 1.5 car parking spaces per home in West Berkshire, and asked if it held any weight in regards to the application. Mr Goddard explained that these were the old national parking standards from 1993. West Berkshire Councils parking standards were updated and became live in May 2017 and replaced the national standards. Policy PI suggests that for a three bedroomed flat two spaces would be provided, and for a three bedroomed house two point five spaces should be provided. The proposal complies with the Council's parking standards.
31. Councillor Abbs noted that there were no yellow lines on the road and asked how parking enforcement would be managed. The Chairman questioned whether Officers were content that cars parked to the south in the driveways would have sufficient space to pull out without parking restrictions. Mr Goddard responded that there were no restrictions planned. The widening of 4.8m had been designed to allow residents to continue parking on the road. It was wide enough to allow a larger vehicle to pass, and was the measurement for all new estate roads. There was an existing issue for emergency vehicles servicing 20 dwellings, it would now serve 24, but at least it would be easier to pass the parked cars as the road would be widened.
32. Councillor Abbs felt that the point was being missed. The widening did not cover all of Pond Close. Mr Goddard agreed that it was only in the areas that vehicles were parked, as further down residents had private driveways. Councillor Abbs offered the view that there were some houses that did not have off-road parking that were on the narrowest point of entry in Pond Close. He was concerned how larger vehicles would gain access at the entry point without any parking enforcement measures in place, and asked whether safety had been taken into account in this spot. Mr Goddard explained that this was an existing problem and was not caused by the proposed development. He asked Members to consider whether four additional properties would make the situation worse for the existing twenty homes.
33. Councillor Culver queried whether the emergency services were consulted on the application. Miss Kirby responded that they were not consulted, and that responses from this consultee were rare. She explained that it was the responsibility of Council's Highways Department to assess whether emergency vehicles could gain access to the road. Mr Till reiterated that it was the Local Highway Authority's responsibility to assess where vehicles could gain access and that it was not the norm to consult with the Emergency services on an application of this scale.
34. Councillor Culver asked whether the removal of what looked like a brickwork bollard could be added as a condition, as it was a significant obstruction. Mr Till responded that planning conditions could not be added on matters that were outside of the applicant's ownership or control.

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35. Councillor Culver wished to confirm with officers the elements of the widened road, that in some places there would be raised kerbs for the benefit pedestrians, and in others lowered kerbs so cars could enter the new houses. Mr Goddard confirmed that where there was not a parking space there would be a full height kerb, and where there was a parking space there would be a dropped kerb.
36. Councillor Culver queried whether there were any regulations regarding indoor amenity. She noted that the design was for a 95 m² footprint for a three bedroomed house, for six people and that this would not afford those individuals a large area of indoor amenity. Mr Till confirmed that there were no locally adopted standards or floor space standards, however there were national standards that officers applied when reviewing an application, and it was his understanding that these proposed works were in the region of the national standards in terms of indoor floor space.
37. Councillor Hooker drew attention to the council's recent initiative to encourage people not to park on pavements and queried whether taking away possible parking space along the front of the development would exacerbate the situation. Mr Goddard explained that in his opinion the option to park had already been removed as the land was private and vehicles did not have the right to park on it.
38. Councillor Abbs stated that there was nothing in the application that eased the situation at the entrance to the Close. Mr Goddard reiterated that difficulties in the first stretch of Pond Close was an existing issue that the emergency vehicles already have to negotiate to serve the existing dwellings.
39. Councillor Jeff Cant expressed the view that there were long-standing issues with parking and access in Pond Close. The application complied with the parking and highways requirement of the council policies and was not, in a planning sense adding to the issue. Mr Goddard concurred that the proposal did comply with the parking standards and would not add to the parking issue, but would improve matters for emergency vehicles as it would provide a wider section of public highway and a 1.5m wide footway.
40. Councillor Vickers posited that the land was private, however its use class, which was one of parking for the existing residents, did not change until a new development was allowed. Mr Till advised that it was important to avoid confusing the ideas of private ownership and use class. The use class was residential and it was previously development land, and that was its planning use. In terms of whether it was used for parking or for residential development, the planning did not change. The historic issue of private ownership that keeps being referred back to, was not something that planning officers could seek to address.

Debate

41. Councillor Abbs stated that he was not inclined to approve the application. He considered that the basic questions of safety and potential flooding had not been answered and felt that the residents did not deserve the development.
42. Councillor Cant had considerable sympathy for the residents at the loss of a piece of land that had been used for parking, and where the owner wished to develop it, and the inconvenience that this was causing. However, the Highways Officer had been clear in advising that these difficulties would continue, whether or not the application was approved. He saw no coherent practical planning reason to refuse the application.
43. Councillor Hilary Cole noted that she was sat on the Committee in 2012 when an application on the site was first considered, and all the same arguments had been discussed. The site was a derelict now and had been in 2012, and had been under

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different ownership. It was a brownfield site and therefore the presumption was in favour of development, and although residents had been used to parking on the land, Members had to bear in mind the owner was entitled to fence it even if they were not going to redevelop it. However, she was disappointed that the applicant had reduced the number of dwellings to less than five, in order to not have to provide affordable housing, and instead had proposed two flats capable of being houses of multiple occupation. She would prefer to see a new application which delivered a more appropriate housing for the location as it was self-evident from looking at the number of proposals that this was a site that was difficult to develop. She understood the applicant wanted financial gain but had to bear in mind the amenity of the resident and she felt that the proposal was not the right development for this site. She accepted the officers had given it great consideration and respected their judgement, however she felt that she could not support the application.

44. The Chairman concurred with Councillor Hilary Cole, noting that there had been a number of applications on the site. He asked Members to bear in mind that the only issue the Planning Inspector had raised at the appeal for the previous application was the lack of affordable housing.
45. Councillor Vickers commented that the former garage site was land which had been allocated for parking the cars belonging to the residents of Pond Close, and had remained as part of that general amenity for some time. He felt it was not right to take it away from them. He noted the lack of a local or national policy that distinguished between land used for communal, residential parking, from general brown field land, and the usefulness of car clubs.
46. He further stated that during the meeting where the first application was discussed, an objector had said, "...was time wasted moving cars would cost lives". The previous owners, Sovereign had deprived their tenants use of the parking space and at the appeal, the Planning Inspector had used the loss of general amenity as one of the reasons for refusal. However, Councillor Vickers did not understand why he also stated that it would not be reasonable to require any re-provision of the unauthorised parking or garage space as part of the proposal. Since the previous proposals, there has been various changes to policy. He noted there were 26 spaces off-road, and therefore under policy P1, 40 to 50 spaces would be needed for the existing number of residents, so the under provision for parking for the whole Close would be between 10 and 20 spaces short. If it were necessary for new developments to have to meet policy P1 requirements, then he queried how it could be reasonable to achieve this by taking away the same standard of parking from existing residents.
47. He believed that the application should be refused, and Members should expect a proposal which had some new housing, but which considered the needs of the existing residents. If Members did not want to refuse the application then perhaps they could consider condition that the spare space be made available for general parking. He felt that this was about more than just the site of the development and that this situation would reoccur all over the district in areas of this kind and a policy was needed to ensure that any re-development did not harm any general amenity of the existing residents.
48. Mr Till wished to inject a word of caution. There had been an appeal decision in February 2021 on what was practically an identical scheme. The Planning Inspector did not take the view that parking and amenity concerns were relevant to the issue or contrary to policy. He refused the application on affordable housing concerns alone. Mr Till added that in terms of the 2012 decision, the changes to national and local policy were so vast that the reasons given then would not be relevant to a decision

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being taken today. Mr Till asked that if members were minded to refuse the application, they should provide clear reasons for the decision to do so, and that they be formulated on the basis of the current policy position.

49. Councillor Barnett noted that circumstances had not changed, even if policies had. The road was too narrow, was difficult to access, and was built at a time of few cars and readily available public transport access. If the development were to be occupied by multiple adults, it would generate a large number of additional cars on the road, which would adversely affect the quality of life for residents. Councillor Barnett added that as a derelict, brownfield site, it needed development, however the space was not adequate for the type of buildings being proposed. Councillor Barnett added that he believed there were several incidents of flooding caused by springs, and had grave concerns that a development would be subject to additional flooding.
50. Councillor Abbs proposed to reject officer's recommendation and refuse planning permission for reasons of safety, lack of net zero carbon homes, high risk of occupancy as a HMO, loss of general amenity, and issues around SuDs. This was seconded by Councillor Vickers.
51. The Chairman noted that he was nervous of the Members proposal, as he felt a refusal would be judged to be against policy and that officers had given very clear reasons as to why permission should be granted, however he accepted the proposal.
52. Mr Till stated that the Council's policy did not seek zero carbon for minor residential developments. However, it did have provision for major residential developments, and that was currently being contested in the Sandleford appeal. Therefore, he was concerned that if Members were resolved to progress and include it as a reason for refusal, then they would be directly contrary to the council's Local Plan policies.
53. Councillor Abbs read from Policy CS15, which had been not been tested, to demonstrate that it did not distinguish between minor and major residential development. Mr Till responded that the Code for Sustainable Homes (CSH) was a separate issue from net zero carbon within Policy CS15. The policy, which had since been disbanded, sought compliance with the CSH separately and applied a requirement for a reduction of CO² emissions for major developments only. Councillor Abbs responded that he read the CSH with regards to level 6 it stated a home would have to be completely zero carbon. He was struggling to understand why it could not be used in this instance. Mr Till explained that the CSH no longer exists, and the renewable energy requirements of Policy CS15 stood apart from its reference to CSH.
54. Mrs Armour asked for clarification on the safety reason for refusal and whether Members were stating that the proposed development would make safety worse. Councillor Abbs confirmed that this was the case. She also queried whether the existing SuDs condition was not sufficient to mitigate concerns. Councillor Vickers stated that if the vote were carried he would explain what he had found in the 2019 National Planning Policy Framework (NPPF) that had resulted in the reason for refusal in this area.
55. Mr Goddard stated that he was concerned about citing highway safety as a reason for refusal as there had been three, larger proposals on this site that had been considered by a Planning Inspector and on none of these occasions had highway safety been raised as a concern. He was concerned how this could be defended at appeal. He reminded Members that the proposal complied with the council's parking standard, no residents parking is being lost, off-road parking was being provided, and

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the road was being improved by being widened. He was concerned that the decision would be overturned at appeal and costs be awarded against the council.

56. Mr Till again queried the reason for Members concern that the existing SuDs condition was not sufficient, as at appeal officers would have to defend the decision. Councillor Abbs stated that he had proposed the reason on the suggestion of another Councillor, and was happy for it to be removed. Councillor Vickers concurred agreed as he considered the current condition to be adequate. He felt that Members might want to discuss the matter before discharge, as there was not an extant Flood Risk Management Strategy. Councillor Hooker concurred with the decision.
 57. Councillor Culver queried whether insufficient consideration of the cumulative impact of flooding could be used a valid reason for refusal, noting that the presence of the springs had not been considered. Mr Till stated that it would be possible to cite this as a reason for refusal, however he was concerned that the evidence provided was by word-of-mouth, and not by any technical survey that indicated that there was a cumulative concern with flooding in the area. The technical survey carried out by the Environment Agency categorised the land as being in Flood Zone 1, and would indicate that there was not a cumulative risk of flooding in the area.
 58. Mrs Armour sought a summary of the reasons for refusal before the vote was taken. Mr Till summarised the reasons:
 - Failure to provide a zero carbon development, and therefore contrary to the requirements of Policy CS15.
 - The four houses would unduly increase the risk to highway safety associated with the access to Pond Close.
 - The imposition of restrictions on parking that the four houses would cause would unduly impact on the amenity and quality of life of local residents.
 59. Councillor Vickers recounted the following reason quoting from the NPPF 2019:
 - Overdevelopment as it failed to take local circumstances into account to reflect the needs of the area i.e. the existing lack of off-street parking for existing residents. It was in effect removing a general amenity, which could not be met elsewhere.
 60. Councillor Abbs agreed that these were the reasons. Councillor Vickers added the caveat that NPPF 11c was not an up-to-date plan and policy P1 was part of the Local Plan, but was not part of previous decisions. He believed policy P1 was a material consideration in the NPPF.
 61. Mr Till had concerns regarding the unnecessary loss of facilities aspect, as it was referring to historic use of the site, land ownership and transfer. He advised that Members should be mindful that when dealing with a planning application they should deal with the site as it was now and could not address matters that were created as problems by previous owners of the site in terms of land transfer. He would be concerned regarding adding that to a refusal reason.
 62. The Chairman asked if Councillor Vickers would be happy to remove this as a reason for refusal. Councillor Vickers said he would not.
- [Councillor Abbs spoke but could not be heard as his mic was not turned on]
63. Mr Till advised the Chairman that should Members refuse the application, he would be seeking guidance from Senior Management as to whether the application should be considered at District Planning Committee.

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64. Councillor Hooker asked for clarification as to the need to refer the decision to the District Planning Committee. Mr Till explained that he was concerned that the decision would be contrary to the requirements of policy P1, and the NPPF, in terms of taking into account matters that were beyond the remit of the Local Plan policies, and planning in general, regarding land ownership.
65. Councillor Cant believed that no reasons for refusals offered were valid in planning terms, despite the moral high ground, and it would be defeated at appeal. The Chairman concurred.
66. Councillor Abbs asked whether further debate points should be made at this stage, now a proposal had been made. Mrs Armour stated that they should not, but many points made were informative.
67. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Vickers to refuse planning permission. At the vote the motion was carried.

RESOLVED that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

Reasons

Highway safety and general amenity: Pond Close is a narrow residential road serving a number of properties. Parking is tightly constrained in the vicinity of the application site, a situation that has been compounded by the historic loss of private residential parking on the location of the application site and limited alternative parking provision, resulting in the need for residents to utilise on street parking for their vehicles. The proposed works would result in an increased demand for parking, with the size of rooms in the proposed flats resulting in potential multiple occupation, overdeveloping the site and increasing the demand for parking associated with the development beyond the number of parking spaces provided, and the reduction in on street parking reducing the general amenity of existing residential occupants of Pond Close, detracting from the quality of life of existing residents and compounding existing access problems for residents' vehicles and emergency vehicles, endangering highway safety. The proposed works would therefore be contrary to the requirements of Policy P1 of the West Berkshire Local Plan Housing Site Allocations DPD (2017) which specifies that there may be exceptional circumstances where there is a case for providing parking that does not accord with the levels set out in the policy, and notes in its supporting text that levels of parking provision and the way in which they are designed are important factors in creating good quality environments. The proposed works would fail to meet the requirements of Policy CS14 of the West Berkshire Local Plan Core Strategy 2012, which requires development to make good provision for access by all transport modes and to make a positive contribution to the quality of life in West Berkshire. Furthermore, the proposed works would fail to take account of local circumstances contrary to paragraph 9 of the National Planning Policy Framework and would result in the loss of valued facilities for parking for existing residents, contrary to the requirements of paragraph 93 of the National Planning Policy Framework.

Zero carbon development: The proposed works would fail to provide zero carbon residential development and are therefore contrary to the requirements of Policy CS15 of the West Berkshire Local Plan Core Strategy 2012 which requires, inter alia, that all residential development shall achieve Zero Carbon from 2016. Furthermore the proposed works would be contrary to the requirements of Part 14 of the National Planning Policy Framework which states that the planning system should support the transition to a low carbon future by shaping places in ways that contribute to radical reductions in greenhouse gas emissions and supports renewable and low carbon energy.

(2) **Application No. and Parish: 21/02022/CERTE, Land at Coldborough Hill, Eastbury, Hungerford, Lambourn**

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(Councillor Howard Woollaston declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Lambourn Parish Council. 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. He also declared that he had been lobbied on Agenda Item 4(2).)

68. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/02022/CERTE in respect of land at Coldborough Hill, Eastbury, Hungerford, Lambourn.
69. Ms Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
70. In accordance with the Council's Constitution, Councillor Howard Woollaston, Lambourn Parish Council, addressed the Committee on this application.
71. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the Highways Service had not been consulted, however they had no objection as there was plenty of space on the site for parking and any changes to traffic would be minimal.

Parish/Town Council Representation

72. Councillor Howard Woollaston in addressing the Committee raised the following points on behalf of Lambourn Parish Council:
 - At the site visit the applicant had satisfied the officers that they had been living at the location for more than four years, had registered on the electoral roll at the address, and had utility bills at the address for more than four years.
 - There had been multiple complaints about unlawful building on the location prior to the previous four year period, however no enforcement notice had been served, and the issue had been resolved through officer discussions.
 - Therefore, the Parish Council wished to question the electoral roll registration, the previous complaints to Planning Enforcement and the councils own Core Strategy Development Plan.
 - With regard to establishing residency for the last four years, getting utility bills at a horse yard was not uncommon, even recreation areas can have water and electricity, but that was all this land was supposed to be used for.
 - To be able to get on the electoral roll for a location which was designated a recreational horse yard would require utilising a non-standard route. We ask the Committee to refer this matter to Electoral Services for investigation. Until this has been resolved the Parish Council would maintain that it would be illegal to certify it as an independent dwelling.
 - To address the previous complaints to Planning Enforcement, whilst the current planning officers might only consider the application before them, the Committee could look at the broader picture.
 - There were insufficient Enforcement Officers at West Berkshire Council and an unachievable backlog of cases. Therefore, the lack of understanding as to why

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previous Enforcement Notices had not been issued, and concerns not been addressed could be explained.

- As a lack of resource of the Council had led to members of the community being ignored and while residents had the right to make complaints, it appeared that complaints had fallen on deaf ears.
- If residents were to have confidence in the Council, they needed to know that they would be heard and respected, and that actions were being taken.
- The Parish Council asked that if the complaints had been properly investigated, would the application be before the Committee for its consideration.
- With regard to the Area of Outstanding Natural Beauty (AONB), the Council had a Core Strategy Development Plan Document (2012-2026) (CSDPD) therefore covering more than the four year period leading up to this application. In the CSDPD, Policy 5 stated that the North Wessex Downs was area of AONB that should be managed, conserved and enhanced.
- In addition within the CSDPD, the objective with regards to housing growth stated that homes would be delivered in an effective and timely manner, maximise the use of suitable brownfield land, and have access to facilities and services, at a density which would make the most efficient use of the land, whilst responding to the existing built environment. He asked Members to consider how this application complied with the CSDPD.
- Lambourn Parish Council asked the Committee to consider the failure to properly document and investigate the complaints made by residents, investigate the legality of the electoral roll registration, and to act in line with the CSDPD and reject the application.
- Councillor Woollaston stated that he personally found this to be a sad case.

Member Questions to the Parish Council representative

73. Councillor Phil Barnett asked whether he believed that the situation had come about due to a lack of Enforcement Officers.

[Councillor Woollaston comments could not be heard as his mic was turned off]

74. Mr Till stated that he could not comment on resources in the Enforcement team or any potential investigations. He stated that he had been an Enforcement Officer however, and had investigated the installation of a window in an unauthorised manner and also the insertion of a mezzanine floor. These were a matter of fact and relevant to the Committee's consideration, so he felt he was able to disclose them. However, he did not believe the Committee was an appropriate place to discuss matters any further.

Member Questions to Officers

75. Councillor Adrian Abbs sought clarification as to when Mr Till had made the Enforcement Officer investigations. Mr Till estimated it would have been between 2007 and mid-2011.

76. Councillor Carolyn Culver noted that on page 26 of the officer's report, it stated that an Enforcement Letter had been sent in 2010, and asked what recourse the Council had if Planning Enforcement Order was not responded to. Mr Till could not comment on the content of the letter. However it was likely that it was related to his investigation, and in that case the window was sealed up again. In terms of recourse to further Enforcement Action where requests from the Council had not been

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honoured, the case would be assessed and whether it was expedient to take action against the resident.

77. Councillor Culver sought confirmation that the Council did not have a schedule of regularly checking whether an order has been abided by and would be relying on local people to keep them informed. Mr Till suggested that this was not relevant to the application.
78. Councillor Hilary Cole queried that if the applicant had submitted a full planning application, whether it would have been approved. Mr Till responded that he could not comment on a planning application that had not been submitted. However, in broad term the principal for a new residential development would be a presumption against, as it was in a countryside area. A redundant dwelling would be considered under another policy.
79. Councillor Abbs asked if the COVID-19 lockdown had had any effect on the relevant legislation. Mr Till explained that there were certain cases in which the deliberate hiding of works during the lockdown would potentially come into play in terms of Enforcement action, namely the time limit for action being taken. However, there was no evidence of a deliberate attempt by the applicant to conceal that she was living on the site. She had registered at the local GP and on the electoral roll, and that local community had made complaints. In addition, the four year period commenced before the pandemic began. It was his professional view that the pandemic would not play a part in the decision. Councillor Abbs noted that utility bills were not unusual and did not point towards residency, however a TV license would have been a convincing document. Mr Till explained that the relevant test was whether the evidence contradicted the applicant's version of events. The evidence provided included the statutory declaration submitted by the applicant and the letters that corroborated it and was not contradicted.
80. Councillor Jeff Cant queried whether conditions could be attached to this application. Mr Till responded that conditions could not be applied to a certificate of lawfulness.
81. Councillor Hooker sought clarification as to whether the Council had already determined whether it was a bona fide address when approving electoral registration. Mr Till responded that he would presume that Electoral Services would need evidence of residence before they allowed a registration, however he was not sure of the technicalities involved. Councillor Hooker queried whether this meant that the Committee was bound to approve the application. Mr Till reiterated that the relevant test was whether the applicant's evidence had been contradicted, and this had not been the case.
82. Councillor Barnett asked if there was a postcode for the property. Mr Till responded that there were many places in the district that did not have a postcode. He was not certain if the site had postcode. Mr Goddard responded that his team was responsible for street naming and numbering. He explained that Council Tax and Electoral registration would have a property on their data bases in order to provide a service, however that did not necessarily mean that the property had an address. It enabled the property to be given an address later in the process. An official address would be provided once a planning consent had been approved on the site. Following this, Royal Mail would be contacted and they would provide the postcode. Councillor Tony Vickers noted that an address was not a prerequisite for electoral registration for example a homeless person was entitled to register to vote.

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83. Councillor Hilary Cole asked for confirmation that Policy CS19 could not be considered in this case, as it was an application for existing use. Mr Till confirmed that none of the Local or National policies could be considered for this application.
84. Councillor Woollaston reiterated Councillor Cant's point about applying conditions to the permission. Mr Till stated that although it was not possible to apply planning conditions, the certificate of lawfulness related strictly to the land within the red outline and did not allow for residential use for anything beyond the unauthorised dwelling that was currently on site.

Debate

85. Councillor Hilary Cole opened the debate by stating that although the application was legal, it was circumventing the process and it would be preferable to have seen a full application submitted. It was self-evident that the resident's intention had always been to live on the site. It was substandard accommodation and unfortunate that there was an apparent lack of communication between services in the authority. She was aware of another case where stables for polo ponies had been turned into accommodation and urged that the Council needed to be more vigilant. In her view the application was not satisfactory, however she did not see how it could be refused.
86. Councillor Vickers stated that he believed the Committee had no option but to accept officer's recommendation, however the objectors deserved a public record of what needed to happen going forward. The Chairman suggested that it be raised with Planning Advisory Committee. Councillor Vickers agreed, but noted it fell entirely outside of the planning policy.
87. Councillor Jeff Cant proposed to accept officer's recommendation and grant planning permission. This was seconded by Councillor Vickers.
88. Councillor Abbs questioned how such permission could be granted when other measures may be required to grant access to the site. Mr Till explained that Members were only considering whether unauthorised use of a building as residential had taken place, therefore the red line was limited to the building and this was the area of the site that should be considered.
89. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Vickers to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director for Development and Regulation be authorised to **GRANT** a Lawful Development Certificate for the retention of use of part of the existing stable building as an independent dwelling for the reason set out below.

Reason

1.	<p>Approval</p> <p>Based on the evidence submitted by the applicant and the evidence available to the Council, the Council is satisfied that the applicant's evidence is sufficiently precise to prove that, on the balance of probability, the use of part of the building as a dwellinghouse as shown by the red line on location plan received on 4th August 2021 at Land at Coldborough Hill, Eastbury, Hungerford has been carried out for 4 years or more prior to 4th August 2021. Accordingly the provisions of Section 171B and Section 191 of the Town and Country Planning 1990 Act have been satisfied.</p> <p>On the balance of probability, a Certificate of Lawfulness is granted.</p>
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Evidence submitted: Location Plan NH1 P3837.100A received on 4 th August 2021; Internal Layout Plan NH4 P3837.101 received on 4 th August 2021; Photo of completed building NH3 on 4 th August 2021; Planning Statement 15687 received on 4 th August 2021; Approved Plans and Decision Notice for Application 07/01075/FUL NH2 received on 4 th August 2021; Utility Bills NH5 received on 4 th August 2021; Letter from Lambourn Surgery NH6 received on 4 th August 2021; Confirmation of Voting Address NH7 received on 4 th August 2021; Bank Statements NH8 (part 1 and 2) received on 4 th August 2021; Letters from Residents NH9 received on 4 th August 2021; Statutory Declaration received on 4 th August 2021.

(3) Application No. and Parish: 20/02922/FUL, 39 Newbury Street, Lambourn

(Councillor Howard Woollaston declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a Member of Lambourn Parish. 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.)

90. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/02922/FUL in respect of 39 Newbury Street, Lambourn, Hungerford.

Continuation of Meeting

91. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(3).
92. Mr Simon Till, Team Leader (Western Area Planning), introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
93. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the proposal complied with Policy P1, with the standard of 2.5 spaces per three bedroom house for this part of the district. The proposed access was of sufficient width, and the sightlines onto the public highway were in accordance with standards. Considering the existing bungalow he would consider an increase of 18 vehicle movements a day in total, and did not consider that the development would lead to any detrimental impact.
94. In accordance with the Council's Constitution, Ms Louise Wilkin, objector, addressed the Committee on this application.

Objector Representation

95. Ms Wilkin in addressing the Committee raised the following points:

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- There was a previous application for the site and Members would be deciding on which design to approve.
- She wanted to present the case for local knowledge. Thames Water had said that there was no problem with waste water and sewage. This was only partially true. In reality, whilst the pipes are able to take the sewage, they can not take the extra load when it rains. Ground water and rain water seep into the pipes and it cause flooding. This had been going on for 20 years and Thames Water had only recently begun to address the issue properly by lining the drains. The project was not yet completed and the temporary fix was to bring mobile pumps which collected the water and the sewage, filter it and then feed it into the river Lambourn.
- The residents had had enough of the filthy streets, noisy pumps and dirty river. However Thames Water frames it the fact was that the Lambourn drains were not fit for purpose. They were not able to deal with the village as it was and she was asking the Committee to stop allowing more new homes to be built until Thames Water are on top of things.
- Her other comment was about highways. Another conflict between theory and reality. It was fine to look at the site map and visibility sightlines were great, but it did not show any parking. In reality, there are two buses. People needed cars and lots of the older houses do not off-road parking. The side roads adjacent to the site are already full most of the time. The inevitable overflow from the site, would go onto the main road, which was a narrow village road with two blind bends on either side of the site. There were already problems with the Nippy Chippy shop and street parking.
- She asked that it be ensured that the sightlines were kept clear by putting double-yellow lines along Newbury Street.
- She wanted to bring to the Committee's attention the frustration with Thames Water and the flooding in the area.

Member Questions to the Objector

96. Councillor Tony Vickers asked whether Thames Water had revealed whether the problem was due to leakage, or because parts of the system were combined drainage. Ms Wilkin responded that it was due to leakage from very old pipes, and that work to provide lining was incomplete and therefore as more houses were being built the flooding continued.
97. Councillor Carolyne Culver asked how often these sewage leakage problems occurred. Ms Wilkin responded that it happened every time it rained to varying degrees.
98. Councillor Culver asked whether the images of on-street parking provided were unrepresentative of the reality. Ms Wilkin felt that the photographs did not represent reality. Parking occurred on two side roads, Tubbs Farm Close, which was always full, and Station Road, which was usually busy but was empty on the day it was photographed.

Ward Member Representation

99. Councillor Howard Woollaston in addressing the Committee raised the following points:

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- As there was no objection raised by Lambourn Parish Council and there was an extant planning permission, he could not see any real grounds to reject the scheme, which in his view was more sympathetic than the previous scheme.
- He did appreciate the concerns regarding drainage, and it had been an ongoing issue for many years caused by ground water penetration into the old pipes.
- He chaired the Lambourn Valley flood forum and the pipes would eventually all be relined and the man-holes sealed. To his know the work had been carried out in this location and he could therefore see no reason to refuse the application.

Member Questions to the Ward Member

100. Members did not have any questions of clarification.

Member Questions to Officers

101. Councillor Adrian Abbs sought clarification on how many parking spaces were proposed. Mr Goddard explained that there were initially eight spaces proposed, which was objected to by Highways officers as it did not comply with Policy P1, and amended plans now included ten parking spaces. Mr Till responded that the amended plans would be what was adhered to.
102. Councillor Culver asked why there were only two electric vehicle charging points for four houses. Mr Goddard responded that they had been placed between two spaces each, so four spaces would have access.
103. Councillor Phil Barnett sought clarification about the level of the site in relation to the street. He queried the depth of the footings of the building. Mr Till responded that the depth of the footings was not relevant to the eventual height of the building. The depth of the footings would be as deep as it needed to be in order to provide a ceiling height for the rooms within the building, and would not affect the ridge height which was set within the planning application details. There was a condition to secure details of the levels in order to establish both the depth and each finished floor level, to ensure the ridge height, as set in the planning drawings.
104. Councillor Tony Vickers asked who would be responsible if the retaining wall were to be damaged by the construction. Mr Till explained that it was not a planning matter, but one for civil legislation. It was a civil engineering problem. Councillor Tony Vickers asked whether there was communication between Building Control and Planning officers should the levels need to be amended. Mr Till advised that the point was venturing outside of planning matters and into internal communication processes. If it was noted that works were being constructed in an unauthorised fashion, then the works would need to be investigated and decision made as to whether it was expedient to take formal action.

Debate

105. Councillor Abbs opened the debate by stating that there were few objections, but suggested that Policy CS15 be included as a condition. Mr Till responded that he found it difficult to frame a wording for a condition that did not refer properly to the policies of the Local Plan. He reiterated that policy CS15 did not seek for minor residential developments to be zero carbon, and that the Code for Sustainable Homes had been abolished.
106. Councillor Culver noted that it was disappointing that the applicant was not present to make their views known and address the public's concerns and reassure them.

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107. Councillor Vickers proposed to accept officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Hilary Cole.
108. Councillor Culver stated that it was ironic Thames Water raised no objection when there was clearly an issue with foul water and considering the amount of discharge into local rivers.
109. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Hilary Cole to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director for Development and Regulation be authorised to grant planning permission subject to the following conditions:

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Block and Location Plan, drawing number 11420-11 received on 10th December 2020; Proposed Site Plan, drawing number 11420-01 Rev C received on 15th October 2021; Visibility Splay Plan, drawing number 11420-12 received on 10th December 2020; Proposed Rear and Front Elevations Plan, drawing number 11420-06 Rev A received on 24th September 2021; Proposed Side Elevations Plan, drawing number 11420-07 Rev A received on 24th September 2021; Proposed Ground Floor Plan, drawing number 11420-02 Rev A received on 24th September 2021; Proposed First Floor Plan, drawing number 11420-03 Rev A received on 24th September 2021; Proposed Second Floor Plan, drawing number 11420-04 Rev A received on 24th September 2021; Proposed Roof Plan, drawing number 11420-05 Rev A received on 24th September 2021.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Construction Method Statement</p>

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	<p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none">(a) A site set-up plan during the works;(b) Parking of vehicles of site operatives and visitors;(c) Loading and unloading of plant and materials;(d) Storage of plant and materials used in constructing the development;(e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;(f) Wheel washing facilities;(g) Measures to control dust, dirt, noise, vibrations, odours, and surface water run-off during construction;(h) A scheme for recycling/disposing of waste resulting from demolition and construction works;(i) Hours of construction and demolition work. <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
4.	<p>Tree Protection</p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012. 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.</p> <p>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 National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any</p>

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	development takes place.
5.	<p>Sustainable Drainage</p> <p>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:</p> <ul style="list-style-type: none">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 the Sustainable Drainage Systems SPD (December 2018);b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels; any soakage testing should be undertaken in accordance with BRE365 methodology;c) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;e) 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;f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;h) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;i) 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;j) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;k) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter. <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied or 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.</p>

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	<p>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), Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Systems SPD (December 2018). A pre-condition is necessary because insufficient detailed information accompanies the application and sustainable drainage measures may require work to be undertaken throughout the construction phase, therefore it is necessary to approve these details before any development takes place.</p>
6.	<p>Ground and Finished Floor Levels</p> <p>No development shall take place until details of existing and proposed ground levels, and finished floor levels of the dwellings, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p>
7.	<p>Biodiversity measures (prior approval)</p> <p>No development shall take place until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include bat boxes and bird boxes. Thereafter, no dwelling shall be occupied until the measures related to that dwelling have been installed/constructed in accordance with the approved details.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
8.	<p>Protection of breeding birds during construction</p> <p>No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation or buildings/structures for active birds' nests immediately before the vegetation or buildings/structure</p>

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	<p>is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.</p> <p>Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
9.	<p>Soft stripping before mechanical demolition</p> <p>No mechanical demolition of the existing dwelling and garage will take place until a soft strip of the roof has been undertaken. The roof tiles will be lifted carefully by gloved hands, or with handheld tools as necessary, supervised directly by a licensed ecologist or 'Registered Consultant' under the Bat Mitigation Class licence. In the event that bat(s) are discovered during the course of the work, the ecologist will capture the bat(s) and transfer it/them directly to a bat box erected in advance of the works. If a bat is found during work to the remainder of the property when the ecologist is not present, works will stop immediately, and a licensed ecologist will be called back to site to provide further advice. Mechanical demolition shall not take place until the licensed ecologist has confirmed that all potential roosting sites have been stripped adequately.</p> <p>Reason: To avoid harm to protected bat species during demolition operations. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
10.	<p>Materials</p> <p>No construction above slab level of any dwelling shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
11.	<p>Soft landscaping</p> <p>No dwelling hereby permitted shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed</p>

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	<p>plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of any new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
12.	<p>Hard landscaping</p> <p>No dwelling hereby permitted shall be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
13.	<p>Provision of Footway</p> <p>No dwelling shall be first occupied until the 1.5-1.6 metre wide footway to be constructed on the western side of Newbury Street fronting the application site has been provided in accordance with drawing number 11420-01 Rev C received on 15th October 2021 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.</p> <p>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 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
14.	<p>Electric Charging Point</p> <p>No dwelling shall be first occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. Thereafter, the charging points shall be maintained and kept available and operational for the charging of electric vehicles at all times.</p>

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	<p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
15.	<p>Access Closure with reinstatement</p> <p>The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has been brought into use. The footway shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.</p> <p>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).</p>
16.	<p>Surfacing of access</p> <p>No dwelling hereby permitted shall be first occupied until the surfacing arrangements for the vehicular access to the highway has been constructed in accordance with details that 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 maintained in accordance with the approved details.</p> <p>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 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
17.	<p>Parking/turning in accordance with plans</p> <p>No dwelling shall be first occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking and manoeuvring (of private motor cars) at all times.</p> <p>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 2019, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

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18.	<p>Cycle storage</p> <p>No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
19.	<p>Visibility splays before development</p> <p>No dwelling shall be first occupied until visibility splays of 2.4 metres x 43.0 metres have been provided in both directions at the new access onto Newbury Street in accordance with the approved plans. Thereafter, the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.</p> <p>Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
20.	<p>Refuse Storage</p> <p>No dwelling shall be occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) has been provided for that dwelling in accordance with details, including any means of enclosure, which have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).</p>
21.	<p>HMO restriction</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that order with or without modification), the dwellings hereby permitted shall only be used as a single dwellinghouse (Use Class C3), and for no other purpose (including any other purpose in Class C4 (House of Multiple Occupation) on the Schedule to the Town and Country</p>

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	<p>Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that order with or without modification).</p> <p>Reason: There would be insufficient parking to use any of the dwellings as a house of multiple occupation under Use Class C4 without detriment to highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Quality Design SPD (June 2006).</p>
22.	<p>Permitted development restriction (windows/dormers)</p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed at second floor level on the rear (north-west) and side (south-west) elevations of the dwellings hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).</p>

(The meeting commenced at 6.30 pm and closed at 10.10 pm)

CHAIRMAN

Date of Signature