

Notice of Meeting



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Western Area Planning Committee Wednesday 8 June 2022 at 6.30pm

in the Council Chamber Council Offices
Market Street Newbury

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team (planningcommittee@westberks.gov.uk) by no later than 4.00pm on Tuesday 7 June 2022, if they wish to attend the Planning Committee.

Members Interests

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

Date of despatch of Agenda: Friday, 27 May 2022

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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

Email: planningcommittee@westberks.gov.uk

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk



WestBerkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday, 8 June 2022
(continued)

Any queries relating to the Committee should be directed to Democratic Services Team on
Email: executivecycle@westberks.gov.uk

Agenda - Western Area Planning Committee to be held on Wednesday, 8 June 2022
(continued)

To: Councillors Clive Hooker (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Carolyne Culver, Claire Rowles and Howard Woollaston

Substitutes: Councillors Jeff Beck, James Cole, Lynne Doherty, David Marsh, Steve Masters, Andy Moore, Erik Pattenden and Martha Vickers

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 42
To approve as a correct record the Minutes of the meeting of this Committee held on 16 March 2022, 6 April 2022 and 10 May 2022.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
 - (1) **Application No. and Parish: 22/00493/FUL, Sterling Gardens, Hectors Way, Newbury** 43 - 70

Proposal: New link road connecting Hectors Way to Kings Road through the Sterling Estate Development with associated retaining walls.

Location: Sterling Gardens, Hectors Way, Newbury

Applicant: Nelson Land Limited

Recommendation: To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.3 of the report) and the completion of a Section 106 legal agreement.

OR

Agenda - Western Area Planning Committee to be held on Wednesday, 8 June 2022
(continued)

If the legal agreement is not completed by the 09th September 2022, to **DELEGATE** to the Service Director, Development and Regulation to **REFUSE PLANNING PERMISSION**, for the reasons set out in Section 8.4 of the report or to extend the period for completion if it is considered expedient to do so.

- (2) **Application No. and Parish: 21/03132/HOUSE, 14 Lime Close, Newbury, RG14 2PW** 71 - 80
Proposal: Partial Retrospective: Retention of existing metal staircase to side gable end wall and addition of proposed privacy screen.
Location: 14 Lime Close, Newbury, West Berkshire RG14 2PW
Applicant: Mr Pawel Kuzdak
Recommendation: To **DELEGATE** to the Service Director – Development and Regulation to **GRANT PLANNING PERMISSION** subject to conditions.
- (3) **Application No. and Parish: 22/00648/FULD, 61 Russell Road, Newbury, RG14 5JX** 81 - 92
Proposal: Demolition of existing dwelling and erection of four dwellings
Location: 61 Russell Road, Newbury, RG14 5JX
Applicant: Bartlett Property Development
Recommendation: To **DELEGATE** to the Service Director – Development and Regulation to **REFUSE PLANNING PERMISSION** for the reasons listed in Section 8 of the report.

Background Papers

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

Sarah Clarke

Service Director (Strategy and Governance)

Agenda - Western Area Planning Committee to be held on Wednesday, 8 June 2022
(continued)

If you require this information in a different format or translation, please contact
Stephen Chard on (01635) 519462.



West Berkshire
C O U N C I L

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DRAFT

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

WESTERN AREA PLANNING COMMITTEE**MINUTES OF THE MEETING HELD ON
WEDNESDAY, 16 MARCH 2022**

Councillors Present: Dennis Benneyworth (Chairman), Tony Vickers (Vice-Chairman), Phil Barnett, Jeff Cant, Carolyne Culver, Claire Rowles, Howard Woollaston, James Cole (Substitute) (In place of Clive Hooker) and Andy Moore (Substitute) (In place of Adrian Abbs)

Also Present: Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Jack Karimi (Democratic Services Officer), Cheyanne Kirby (Planning Officer), Kim Maher (Solicitor) and Simon Till (Principal Planning Officer (Team Leader))

Apologies for inability to attend the meeting: Councillor Adrian Abbs and Councillor Clive Hooker

PART I**38. Minutes**

The Chairman proposed that a number of clerical errors be clarified and corrected.

Councillor Howard Woollaston proposed that incorrect references to him as a member of Lambourn Parish Council be removed.

The amended Minutes of the meeting held on 3 November 2021 were approved as a true and correct record and signed by the Chairman.

The Chairman proposed that the list of Members present be corrected.

The amended Minutes of the meeting held on 24 November 2021 were approved as a true and correct record and signed by the Chairman.

The Chairman proposed that a number of clerical errors be clarified and corrected.

Councillor Howard Woollaston proposed that a statement attributed to him referring to a number of football teams as “lower league” be corrected.

Councillor James Cole proposed that a question he asked regarding the microplastics be clarified.

The amended Minutes of the meeting held on 15 December 2021 were approved as a true and correct record and signed by the Chairman.

Councillor Carolyne Culver proposed that a reference to the facility “not being used” be corrected to “not being needed”.

Councillor Claire Rowles proposed that a reference to her stating that she felt pressured be minuted.

The amended Minutes of the meeting held on 12 January 2022 were approved as a true and correct record and signed by the Chairman.

The Chairman noted that the Minutes of the meeting held on 23 February 2022 had not been finalised, and were currently with Planning for comment and approval.

39. Declarations of Interest

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

Councillors Howard Woollaston, Caroline Culver, Phil Barnett, Jeff Cant and James Cole declared an interest in Agenda Item 4(2), 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.

40. Schedule of Planning Applications

(1) Application No. and Parish: 20/02245/FUL Great Shefford

(All Members declared that they had been lobbied on Agenda Item 4(1).)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/02245/FUL in respect of Swan Inn, Newbury Road, Great Shefford, Hungerford, RG17 7DS.
2. Mrs Sian Cutts, Senior 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 Head of Planning and Development 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 access is existing, long-standing, and should raise no issues. Mr Goddard stated that research has shown that only 30% of traffic around a new commercial development is new to the network, and Highways had concluded that there would be no significant impact. Mr Goddard noted that there were 26 spaces of proposed parking, a reduction from 27 existing spaces. Highways does not consider that loss of one parking space enough to warrant objection. In response to objections on the basis of parking overspill, Mr Goddard stated that a proposed condition limiting open hours of the shop to prevent opening when the public house is most active should mitigate these concerns, noting that a parking survey undertaken by Highways did not find any occurrences of parking overspill.
4. In accordance with the Council's Constitution, Ms Sharon Brentnall, agent, addressed the Committee on this application.

Agent Representation

5. Ms Sharon Brentnall in addressing the Committee raised the following points:
 - Since 2001, West Berkshire has lost 35 public houses, with 60% lost in the last ten years. Supermarkets are undercutting pub prices, and it is essential for rural pubs to remain viable through diversifying their offering.
 - The public house has an excellent reputation, but the Covid-19 pandemic has underlined that financial viability cannot always be guaranteed.
 - A new focus on sustainability has forced public houses to look at how they can support local areas, and this proposal for a farm shop underpinned by a local

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supply chain for produce supports that. This supports local suppliers and creates benefits for the wider community.

- The farm shop will be run by the public house, and not as a separate entity, and will be a linked business so that a customer can visit both. Additionally, the produce in the farm shop will be used in the meals the public house prepares.
- The applicant is happy to follow all conditions set by Planning, particularly the condition limiting opening hours, noting that farm shops and public houses have different peak times. To address concerns, the applicant has entered into an agreement with a local business to ensure that staff can park off-site, and the applicant is willing to address concerns about non-customers using the parking site.
- The applicant has put a significant personal and financial commitment into the public house, and have continued to strive to make improvements to their business. The public house has an outstanding restaurant, but is primarily a pub, and employs local people. Currently, it has 20 staff.
- Local people regard the public house and farm shop to be a well-designed asset, and require support, particularly if they are employing local people. Ms Brentnall noted that there were more letters in support than opposition.

Member Questions to the Agent

6. Councillor Tony Vickers asked what the applicant considered to be “local suppliers”. Ms Brentnall responded that the applicants had an ideal radius was in mind, outside of which products would not be sought.
7. Councillor Barnett asked for clarification that alcohol sales would not be done within the shop. Ms Brentnall confirmed that that would not be the case.
8. The Chairman asked if there was any risk of crossover between the two businesses. Ms Brentnall responded that there was not, as they were entirely different business models.
9. Councillor Andy Moore asked if there was any scope for reduction of the development’s height, noting that the cited height of 6.3 metres was not on the plans. Ms Brentnall stated that they were to scale and the height in the plans would be correct. Councillor Moore asked if there were any considerations to reduce the height. Ms Brentnall stated that she would have to confirm with the applicant.
10. Councillor Claire Rowles asked for clarity in how the shop differed from the two existing village shops. Ms Brentnall responded that the shop sought to sell fresh produce with regular local deliveries, rather than the longer-life products of conventional shops.

Ward Member Representation

11. The Chairman noted that Councillor Clive Hooker could not attend.

Member Questions to Officers

12. Councillor Tony Vickers asked whether a public house needed to substantiate that an additional diversified business was viable or needed. Ms Cutts responded that the business such as the public house did not need to prove either, and that a desire to

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expand alone was enough. On the viability of other businesses, Ms Cutts understood that it was difficult to prove that a development would not damage the viability of others, but that the applicant's statement that other products would be sold was satisfactory. Mr Till added that it was not the Council's role to regulate competition between businesses on this scale.

13. Councillor Howard Woollaston noted that he had regularly observed that the car park was full or overflowing, and so expressed surprise at the findings of the parking survey. Councillor Woollaston stated that it was his understanding that the planned ramp would remove four parking spaces. Mr Goddard responded that Highways did not disregard that parking overspills happened, just that it could not be substantiated as a regular issue, and that the plan quoting a loss of one parking space was possible.
14. Councillor Moore asked whether the height of the building should be shown definitively on the plan. Ms Cutts responded that scaled drawings were required, but that all measurements were not. The height of 4.6 metres was from the submitted plans, as well as a previous application which stated the height of the garage definitively.
15. Councillor Moore asked how the historical element of the application was considered. Ms Cutts responded that the application was submitted with a Heritage Impact Assessment, which referred to the historical pattern of development, and the Conservation Officer had initially raised an objection to the development blocking views of the public house. However, photographs of a similar building next to the public house in 1910 proved that the proposed development fit a historical layout.
16. Councillor Moore noted that light good vehicles would supply the shop, and whether the Council had any control over that. Mr Goddard responded that a condition could potentially be set to limit deliveries or delivery vehicles.
17. The Chairman asked for clarification that the previous enforcement matter could not be considered. Mr Cutts stated that they could not, as they did not relate to the
18. Councillor Carolyn Culver asked why the Environment Agency's statement was an informative, rather than a condition. Ms Cutts responded that it was a duty of care obligation to reference the need for this permit, but it was not an issue under planning legislation.
19. Councillor Culver asked how many houses were being built as part of a nearby housing development, and how this would impact the flood risk. Ms Cutts responded that she did not know the number, but that the Flood Risk Assessment had been submitted alongside the application. In this area, most of the flood risk came from the local landscape.
20. Councillor Culver asked what the cut-off point was for BREEAM to not be considered. Mr Till responded that the BREEAM scoring scale becomes impractical at this small building size, as well as for those who are open-sided. This development has very little scope to implement changes for a higher BREEAM grade.
21. Councillor Culver asked if an additional disabled space next to the shop could be made a condition. Mr Goddard stated that the space could be placed in a row of five closest to the shop, and that it could be made a condition through amendment of Condition 11.
22. Councillor Rowles noted that parking was tight, and asked whether the space closest to the shop had enough room to be safe. Mr Goddard responded that there were dimension standards for car parking spaces, which had been met by the application.

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Mr Goddard accepted that the car park was narrow, but that was an existing issue with the site.

23. Councillor Rowles asked whether the potential cycle stands could be placed if it was made a condition. Mr Goddard stated that further details had been requested as part of Condition 12.
24. Councillor Rowles noted that there was a sharp bend on the road near to the public house, and asked if there was a potential scenario with parking overflow and delivery vans causing congestion. Mr Goddard added that the nearby housing development was for three dwellings, and had its own car parking spaces. Mr Goddard added that in evidence provided by objectors, no overspill cars were parked on the sharp bend, noting that it was an illogical place to park in any scenario. Mr Goddard added that no additional developments on the site were likely to be considered with this parking situation.
25. Councillor Rowles asked if conditioning delivery vehicles was limiting the supplies available to them. Mr Goddard noted that this would additionally break a precedent as large trucks were being used to deliver alcohol to the public house. Mr Till added that conditions needed to be deemed to be reasonable and enforceable, and that as it limited the abilities of suppliers to the applicant, it was unreasonable and unenforceable for the applicant or Council.
26. Councillor Barnett asked whether it was safe to cross the road at the point near the sharp bend further down the road to the south. Mr Goddard responded that the bend is 100 metres away, and so there is sufficient distance for people to cross.
27. Councillor Barnett asked whether the development would be secure, and whether protections around the building were feasible. Ms Cutts responded that the building was timber-clad but would likely be reinforced by concrete, and that the ramp in front would not be an issue. Ms Cutts added that the public house would likely be able to provide their own security. Mr Till stated that security issues were likely beyond planning concerns.
28. Councillor Woollaston stated that back in 2013, there were 33 car parking spaces for 70 covers, and added that this had since expanded, particularly in the summer. Councillor Woollaston asked for a comment on parking during the summer. Mr Goddard responded that evidence provided by objectors had been year-round, and that the parking survey was taken at a reasonable time in February in March, with no evidence to suggest seasonal variance, reiterating that it had concluded that parking overspill was not regular.
29. Councillor Jeff Cant asked whether the application complied with the minimum number of car parking spaces.
30. Councillor Cant asked for clarification that there had not been a road traffic accident for 17 years, and that if there had, that would have been taken into account by Highways. Mr Goddard stated that the crash map had been consulted, and no incidents had occurred near the site since 2005. If there were more, it would have been considered.

Debate

31. Councillor James Cole opened the debate by stated that he veered towards approval, it was within planning requirements, and that there were business and historical cases. The main issue was parking, and that he had concluded that it was not a strong enough issue to refuse planning permission.

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32. Councillor Jeff Cant stated that debates over financial viability were beyond the remit of Planning, and that the applicant had made enough of an effort most customers would go home if they could not park. Finally, he noted that it could not be ignored that most
33. Councillor Tony Vickers stated that financial viability was a public concern, and this case needed to be heard, and that he agreed with others that parking was the main issue. Councillor Tony Vickers was concerned by the growth of the business, and that the policy may needed to be changed to look more thoroughly. Overall, he was in favour of the application, as it was an issue of social and economic enterprise and supporting public houses.
34. The Chairman stated that the two major issues of competition and parking had been thoroughly addressed. He believed that it was a credit to the applicant to see a thriving public house, and would support officers' recommendations.
35. Councillor Barnett stated that he was in support of officers' recommendations, as he did not see much room for competition between the shops, as it would cater to a different group of customers. Councillor Barnett expressed his concerns about parking, and concluded that he believed these issues would be resolved, along with flooding concerns.
36. Councillor Rowles concurred that it was good to see a public house be in some ways a victim of their own success. However, expressed concerns over whether the available parking and local roads could accommodate the additional business.
37. Councillor Woollaston concurred with Councillor Rowles on parking, and asked for conditions to set a minimum of 26 parking spaces, and to ensure that the development does not later become a café. Ms Cutts confirmed that the limitation of the application's use class precluded it from being a café or selling any hot foods, but that it was difficult to limit the goods sold and enforce that as a condition. Mr Till concurred, stating that he had advised on the enforceability of a condition limiting the sale of goods, and concluded that it was not reasonable or enforceable. On parking, Mr Till stated that Condition 11 could be amended to require a new parking plan before the development is used. Mr Goddard stated that he was content with the plan for 26 parking spaces, and that he would resist a provision of just 23.
38. Councillor Tony Vickers recalled an amendment for a condition for an additional disabled parking space near the shop be added, as well as a condition to require no less than 26 parking spaces.
39. Councillor Tony 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 Jeff Cant.
40. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Jeff Cant 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

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| 1. | Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as |
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| | amended by Section 51 of the Planning and Compulsory Purchase Act 2004). |
| 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>Location Plan Drawing No P20-2236_01 received on 28th September 2020; Proposed Floor Plans and Elevations Drawing No P2 308/0720/P.01 received on 30th November 2021; Proposed Floor Plans and Elevations with Handrails Drawing No 308/0720/P.01 received on 6th December 2021; Proposed Landscaping Scheme Drawing No 308/0720/P.02 received on 6th December 2021; Proposed Site Plan Drawing No P20-2236-03 Rev B received on 3rd March 2020; Flood Risk Assessment Prepared by Glanville Ref: 8200922/AQ/CS/002 dated 14th December 2020 and received on 16th December 2020; Planning and Heritage Statement prepared by Pegasus Group dated September 2020 received on 28th September 2020; and The Great Shefford Farm Shop Business Plan received on 3rd March 2020</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 3. | <p>Permitted uses within Class E</p> <p>The development shall be used for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (Class E (a)) only and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Reason: The site is situated within the curtilage of a public house where other Class E uses would not be appropriate in the interests of the amenity of nearby residents. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, 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).</p> |
| 4. | <p>Connected use with the Public House</p> <p>The shop hereby permitted shall only be used under the same management as the Public House within the same application site.</p> <p>Reason: The justification for granting the shop unit is to assist with the long term viability and the separation of the use may affect the viability of the public house use. This condition is applied in accordance with policy CS10, and the Public Houses Supplementary Planning Guidance (2000).</p> |
| 5. | <p>Materials</p> <p>No above ground development shall take place until a schedule of all materials and finishes visible external to the building has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.</p> |

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| | Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the adjacent listed building. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026). |
| 6. | <p>Eaves/fascia</p> <p>No works shall take place to the roof until full details of the eaves and fascia, at a minimum scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To protect the special architectural or historic interest of the adjacent listed building. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p> |
| 7. | <p>Handrail</p> <p>The metal handrail to the ramp shall be painted black.</p> <p>Reason: To protect the special architectural or historic interest of the adjacent listed building. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p> |
| 8. | <p>Soft landscaping (prior approval)</p> <p>The shop building shall not be 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 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. 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> |
| 9. | <p>Customer opening hours</p> <p>The shop shall not be open to customers outside of the following hours: Mondays to Fridays: 07:00 to 18:00 Saturdays, Sundays and public holidays: 07:00 to 12:00</p> <p>Reason: To ensure satisfactory levels of car parking in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p> |
| 10. | <p>Construction Method Statement</p> <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> |

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| | <p>(a) A site set-up plan during the works;</p> <p>(b) Parking of vehicles of site operatives and visitors;</p> <p>(c) Loading and unloading of plant and materials;</p> <p>(d) Storage of plant and materials used in constructing the development;</p> <p>(e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;</p> <p>(f) Wheel washing facilities;</p> <p>(g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</p> <p>(h) A scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <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> |
| 11. | <p>Parking in accordance with approved plans</p> <p>The shop shall not be brought into use until vehicle parking and turning spaces (including any surfacing arrangements and marking out) have been provided in accordance with plans which have first been submitted to and approved in writing by the Local Planning Authority. Those plans will include the provision of 26 parking spaces including at least three disabled parking spaces, one of which is accessible to the shop. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring of private cars and/or private light goods vehicles 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 applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p> |
| 12. | <p>Cycle parking/storage (pre-commencement prior approval)</p> <p>No development shall take place until details of cycle parking/storage have been submitted to and approved in writing by the Local Planning Authority. The shop shall not be first occupied until cycle parking/storage facilities have been provided in accordance with the approved details. 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, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014). A pre-commencement condition is necessary because the cycle parking/storage arrangement will need to be determined before any construction to ensure it can be accommodated within the space available.</p> |
| 13. | <p>External Cooling Units</p> <p>No external chilling equipment or air handling plant shall be installed on the building hereby permitted until details of the unit(s) to be installed, including the number and location of such plant and the acoustic specification of the plant, including details of any measures necessary to mitigate the effects of the noise have been submitted to and approved by the local planning authority in writing. Thereafter the development shall be carried out in accordance with the approved details.</p> |

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| | Reason: To protect the residential amenity of the area and to minimise potential noise disturbance. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). |
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| 1. | <p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p> |
| 2. | <p>Environment Agency Consents</p> <p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained from the Environment Agency for any activities which will take place:</p> <ul style="list-style-type: none"> ○ on or within 8 metres of a main river ○ on or within 8 metres of a flood defence structure or culverted main river ○ on or within 16 metres of a sea defence ○ involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert ○ in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission <p>For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.</p> <p>The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and The Environment Agency advise consultation with them at the earliest opportunity.</p> <p>The applicant should contact 03708 506 506 or consult the Environment Agency website to establish if consent will be required for the works they are proposing. Please see http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx</p> <p>This includes any proposal to undertake work in, over, under, or within 8 metres of the top of the bank of a designated Main River, called a Flood Risk Activity permit.</p> |

(2) Application No. and Parish: 21/02668/FUL Lambourn

(Councillor Howard Woollaston declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was the 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.)

(Councillors Howard Woollaston, Carolyn Culver, Phil Barnett, Jeff Cant and James Cole declared that they had been lobbied on Agenda Item 4(2).)

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41. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/02668/FUL in respect of Hunt Kennels Farm, Ermin Street, Lambourn, Woodlands.
42. 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 Head of Planning and Development be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
43. 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 existing use of the site is for kennels holding as many as 40 dogs, and so it used to a level of regular vehicle movements. The proposal is for a lower level of vehicle movement than the use case would allow, set by a condition.
44. In accordance with the Council's Constitution, Ms Sue Cocker, Lambourn Parish Council, Mr Tony King, objector, Mr Christopher Cary and Ms Lucy Charman, agents, addressed the Committee on this application.

Parish Council Representation

45. Ms Sue Cocker, Lambourn Parish Council, in addressing the Committee raised the following points:
 - The kennels are surrounded by the countryside of the AONB. The land is currently designated as agricultural.
 - Lambourn Parish Council appreciates that the application is for a family-run business, the owners of which live on the site. They have given verbal assurances that they will not be operating large transporters or allow light pollution from their warehouse. However, planning permissions run with the land, not the owners.
 - The applicants are taking an agricultural site and are repurposing it for industrial use. Lambourn Parish Council is deeply concerned about the expansion of such sites for warehousing, open storage and distribution in the AONB, particularly when planning permission is given to sites like this one which are outside the permitted employment area.
 - The scale of this new building, higher than the current ones it will encompass, and roof height four times the size of the existing footprint, shows that it will be an industrial warehouse on agricultural land. If permission is granted, it will effectively expand the industrial area, adding to the difficulties suffered by residents affected by traffic movements across local roads.
 - The Committee report raises unanswered questions, making no reference to hours of operation once construction is completed. Lambourn Parish Council requests that this be conditioned.
 - The dangerous junction onto the B4000 Hungerford Hill must also be addressed, with the application suggesting that transporters accessing the site will be using it despite its unsuitability.
 - The report refers to a personal condition to the applicant's company. According to Government guidelines, this cannot be given to a company except in cases of exceptional need such as for housing development. Lambourn Parish Council

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questions what exceptional need has been demonstrated for a garden furniture business.

- The garden furniture business will be operating from March to September, and Lambourn Parish Council questions what it will be used for in the other six months of the year.
- Lambourn Parish Council asks that the Committee are responsive to local needs and concerns and rejects the application.

Member Questions to the Parish Council

46. Councillor Tony Vickers asked whether she would be opposed to the same building for agricultural purposes. Ms Cocker responded that the size would still be a matter of particular concern.
47. Councillor Carlyne Culver asked how Lambourn Parish Council believed EG3 would be a better use class than B8. Ms Cocker responded that the intention was to limit the business from expansion, but that this was ultimately for the consideration of planners.
48. Councillor Jeff Cant asked what the Parish Council's view on the use of the land for kennels was. Ms Cocker responded that she was not a member of the Parish Council at the time.
49. Councillor Claire Rowles asked whether the scale of the development was the main concern, rather than its appearance. Ms Cocker responded that the Parish Council would like a retention of the agricultural appearance.

Objector Representation

50. Mr Tony King in addressing the Committee raised the following points:
 - Mr King objected to the application as the Committee report was misleading and, in his view, should have been withdrawn. He had raised his concerns with the Planning officers and members of the Committee.
 - Mr King questioned how a personal condition can be granted to a limited company, which can change its work and ownership at any time. The application is for B8 use, largely unrestricted, and all the analysis should reflect that.
 - Much of the site will be impacted. The application's red lines are not correct and the environmental impact should be reconsidered. The traffic use has been suppressed, and there will be 24 vehicles a day added with B8 use, including a number of large HGVs. There is no confirmation that the paving can accept HGVs.
 - The site is not sustainable like industrial sites in the surrounding area. There is no safe access to the site other than through motorised road vehicles, and changing that would require major investment. It is difficult to understand how industrial development on rural sites is compatible with the Council's declaration of a climate emergency.
 - Many references are made to existing documents on previous use to justify this. However, the previous use was for a restricted rural pursuit, which has since expired. The previous use generated little noise.
 - The roof lights, external doors and external lighting will damage the dark sky currently in the location.

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- In summary, the application cannot use a personal permission and suppress its full use. Mr King considers the application misleading, and asks that it be refused.

Member Questions to the Objector

51. Members did not have any questions of clarification.

Agent Representation

52. Mr Christopher Cary and Ms Lucy Charman in addressing the Committee raised the following points:

- The application is to replace a disused, redundant kennel building with a single, well-designed storage building to service the applicant's family-run furniture business. The Committee report notes that it had received a number of objections, which raised valid concerns. The agents had worked with Planning officers to overcome these concerns with conditions.
- The applicants are a multi-generational family running a successful garden furniture business, hoping to become an integral part of the local community. The purchase of the farm allows them to consolidate the storage needs of the business to a single site, improving profitability by reducing rental and travel costs. The applicants had already permanently relocated to the site, and hope to make it their family home and the site of the business.
- The existing site did serve a purpose, but its condition and age necessitates replacing them with a new structure. The size of the building will increase the footprint from 510 square metres to 743. The roadside elevation is a similar length to the existing elevation. The footprint increase lies entirely within the existing hard standing on the site.
- A landscaping plan has been agreed to lessen the impact of the development on the area, and trees are planned to be planted along the roadside of the building and dwelling on the site. The development presents a biodiversity net gain.
- The site lies 300 metres from a protected employment area, which is considered to be fully sustainable, and so the site will be as well. The latest West Berkshire Employment Land Review states that demand is evident for B8 distribution in close proximity to the M4, and is well-located to address rural demand. There is a need to deliver commercial land in the area between 2020 and 2026.
- The Highways Officer has raised no objection, and was satisfied that there was safe and suitable access to the site, which would see similar transport movement to the kennels. Any concern regarding sustainability of the location has been balanced by positive contribution of the economics and that the applicants lived on the site.
- The principle of business use in the area is supported and it is acknowledged as being an area which is well-located to address rural demand. The principle of supporting small, rural businesses should be supported on a local and national level.
- The proposal will have a positive landscape impact, and is a standard agricultural construction, with very little impact on the local amenity.

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Member Questions to the Agents

53. Councillor Rowles asked how much HGV traffic entering the site was envisioned. Mr Cary responded that a large number of HGVs were not feasible considering the size of the site, but that they would not
54. Councillor Rowles asked whether the agents considered the agricultural appearance to be maintained. Mr Cary responded that rounded agricultural-style roofs were not standard, and that the exiting proposed design fit the agricultural character of the AONB.
55. Councillor Phil Barnett asked if sprinklers would be installed considering the treated timber furniture being constructed. Mr Cary responded that he understood the furniture to be made of teak, and that if a sprinkler system was set as a condition it would be possible to install one.
56. Councillor Tony Vickers noted that BREEAM was not required, but asked whether heating the building was planned. Mr Cary responded that the building would not be heated by any means.
57. Councillor Jeff Cant asked for clarity on the purpose of the business. Mr Cary responded that it was for local delivery of imported furniture.

Ward Member Representation

58. Councillor Howard Woollaston in addressing the Committee raised the following points:
 - This application is to support exactly the sort of business that the Council should be encouraging: small-scale, generating local employment, and discrete.
 - However, the site is in an AONB which is being continually threatened by ongoing industrial development. This is a small unit, but enough is enough for local residents, especially as it falls outside of the employment area.
 - The possibility of further development creep, adding more load to the B4000 road would make people afraid to leave their homes. This proposal would further contribute to this.
 - Councillor Woollaston asks the Committee to reject the application unless the personal permission can be fully enforced. Councillor Woollaston apologises to the applicant, stating that it is simply in the wrong location.

Member Questions to the Ward Member

59. Councillor Culver asked what his understanding of the development creep issue was. Councillor Woollaston responded that nothing is built outside of the protected employment area, and this would be the first development to do so.

Member Questions to Officers

60. Councillor James Cole asked for clarification that there was no planning permission for the site's use at present. Ms Kirby responded that the permission for use as kennels was personal, and so would elapse when the occupants vacate the site, at which point it would revert to agricultural use.

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61. Councillor James Cole asked whether a personal condition could be granted to a business, and whether it would persevere or could be made to persevere. Mr Till responded that there were officer concerns with the B8 use class, but that the applicant had demonstrated that their business needs were below that which might potentially be associated with a more general B8 use, and that a personal condition as precise as possible was within Planning's remit to grant. Councillor James Cole asked for clarification that a new owner of the site would need to reapply for a change of use class. Mr Till responded that a new owner would.
62. Councillor James Cole asked how the lighting could be controlled through set conditions. Ms Kirby responded that a condition was proposed, and that roof lighting could be further conditioned.
63. Councillor Andy Moore asked how the personal condition restricted the use of vehicles on the site. Mr Goddard stated that the conditions did not specifically limit the number of vehicles, but that the applicant had provided details of their associated vehicle movements for the nature of their own business.
64. Councillor Woollaston asked whether refusing future permission would require removal of the building. Mr Till responded that it could be made a condition if necessary to retain the amenity of the AONB.
65. Councillor Woollaston asked whether the colour of the building could be conditioned. Ms Kirby responded that the materials were stated within the application, and the roof would be grey corrugated steel, with the building itself being green.
66. Councillor Woollaston asked whether the roof lighting could be conditioned. Ms Kirby responded that the applicant was willing to discuss and agree to conditions on external lighting to reduce the impact of light pollution. The Chairman asked whether the use of lights within certain hours could be conditioned. Ms Kirby responded that that was an option, as well as the material of the lighting.
67. Councillor Rowles asked what the extent of the tree re-greening was. Ms Kirby responded that a landscaping plan was submitted which included five additional trees near the property, as well as three saplings and local hedging. In addition, any diseased or damaged trees within five years would be replaced.
68. Councillor Rowles asked for clarification on the local traffic issues. Mr Goddard responded that he shared the concerns of the objectors with regards to the increasing use of vehicles in the area, and that increasing traffic was a reason for Highways objections to other applications. Highways did not object to this application due to the personal consent to a condition limiting traffic. Councillor Rowles asked if other applications could circumvent the objections by giving personal consent to limitations. Mr Goddard responded that each application would be considered on its merits, and that any particular increase would lead to objection.
69. Councillor Culver asked about the enforceability of the personal condition if the company was bought by a new owner. Mr Till responded that there was a proposed amendment to the personal condition to secure it specifically to the applicant's business. Mr Till added that the condition could be as precise as possible within the applicant's requirements, and that Planning was satisfied that it was in accordance with the NPPF and could withstand challenge.
70. Councillor Culver asked if it was usually the case that the applicant was asked to submit a Surface Water Drainage Strategy with the application, and asked for officers to briefly summarise changes to the conditions. Ms Kirby responded that the Drainage Officer was not satisfied by the existing drainage soakaway, and proposed

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a new condition. Additionally, a condition regarding groundwater suitability for new habitats were included.

71. Councillor Tony Vickers asked whether a condition restricting access for business purposes to access via the south of Ermin Street could be added. Mr Till responded that it would not be reasonable or enforceable, as the use of private vehicles on public highways would be outside of the applicant's control, and would therefore not meet with the tests set out in the NPPF in his view.

Debate

72. Councillor Cant opened the debate by stating that the key issue was that the proposed business use did not preserve the character of the AONB, and that he viewed the personal condition to be improper. Therefore, he could not support the application.
73. Councillor Tony Vickers stated that he was concerned by development creep, but that he was satisfied that the conditions were enough for the Committee to approve the application, and that if the business failed or ceased, the development could be reverted to agricultural use. Therefore, he leant towards approval.
74. Councillor Barnett stated that he was undecided. On the practical issues, he saw it as a positive that local people and small businesses were being assisted, but that he was concerned with the storage of untreated timber, and that it necessitated the condition of a sprinkler system. However, Councillor Barnett stated that he did not believe the site was the right one for the proposed use, and that access would be a lasting issue.
75. The Chairman stated that he agreed with a lot of Councillor Tony Vickers' points, and that there were existing vehicle movements while the site was being used as kennels.
76. Councillor Woollaston asked whether the conditions could be specifically set as personal to the applicant himself, and that it could be explicitly stated that it would revert to agricultural use. Mr Till stated that agricultural use was the default use of the land without any other existing permission, and so it was already implied.
77. Councillor James Cole stated that if conditions on external lighting and lighting spillage were tightened, he could be prepared to support the application.
78. Councillor Cant asked whether a precedent was being set for further industrial use of farm buildings being allowed as personal conditions, and that he was hesitant to support the application as he would sympathise with other applicants requesting the same. Mr Till stated that it was a very specific set of circumstances related to the individual merits of the application and history of the site as kennels, and so it would not necessarily set a wider precedent. On balance, officers viewed the use for furniture storage as being compatible with surrounding land.
79. Councillor Rowles asked whether the use could continue if the business was acquired. Mr Till stated that there was a case for further strengthening the condition to specify that it was for the applicant operating as the business. The condition as constituted was already strongly restrictive. Councillor Rowles asked if this personal permission was something which had been seen before, or whether it was a new precedent. Mr Till responded that a personal permission was rare, and that he had seen few cases, all of which reflected the specific circumstances of the applicant, proposed use, and site.

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80. Councillor Tony Vickers stated that nothing had been raised during the debate to change his opinion, and that he was satisfied that this was a unique set of circumstances, namely that the applicant lived on the site and required the demolition of derelict buildings to conduct his business. Councillor Tony Vickers was willing to support the application as long as certain conditions relating to materials and lighting were strengthened.
81. Mr Till clarified that the proposed amendments to the conditions were to amend Condition 5 to specify that details of external materials and finishes be provided before building commences, that details of roof lighting and measures to prevent lighting overspill be specified (such as timing systems), and that the personal permission be specifically to the individual owner of the business.
82. Councillor Tony Vickers proposed to accept Officer's recommendation and grant planning permission subject to the amended conditions listed in the main report and update report. This was seconded by Councillor Andy Moore.
83. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Andy Moore 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

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| 1. | <p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</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 (Updated)</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: Location Plan received 20th October 2021; Proposed Plans and Elevations 0001 received 20th October 2021; Design and Access Statement received 20th October 2021; Block Plan received 20th October 2021; Preliminary Ecological Appraisal 194/R1 by Herdwick Ecology dated September 2021 received 20th October 2021; Scheme of landscape planting received 16th February 2022.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 3. | <p>Personal Permission</p> <p>The B8 commercial building hereby permitted shall be occupied only by Kingsley Smythe Ltd under the ownership of John Lock for purposes of the storage and distribution of furniture under use class B8 in connection with the applicant's business. When the premises cease to be occupied by Kingsley Smythe Ltd the use hereby permitted shall cease and all items of storage and equipment brought on to the premises in connection with the use shall be removed.</p> <p>Reason: The applicant has demonstrated through submission accompanying this application that the associated vehicle movements relating to the operation of the site for his business are such as to allow for the applicant's particular business to operate on the site under the restrictions of the conditions of this planning permission without resulting in undue detriment to the amenity of neighbouring residential occupants, highway safety and</p> |

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| | <p>the amenity of the highway network that might result from the operation of an uncontrolled B8 or other industrial use of the site. This condition is imposed in order that the use of the site by any alternative future occupant can be given details consideration in terms of the associated impacts on highways safety and residential amenity in the interests of residential amenity and highway safety in accordance with the NPPF, Policies CS5, CS9, CS13 and CS14 of the West Berkshire Local Plan Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved 1991-2006 Saved Policies 2007.</p> |
| 4. | <p>SUDS (Updated)</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.</p> <p>These details shall:</p> <ol 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 WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use; Page 12 Item No (2) Application No: 21/02668/FUL Page 3 of 4 b) Include a drainage strategy for surface water run-off within the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority; c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365 methodology; d) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change; e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site; f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain; g) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises; h) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible; i) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site; j) Include an inspection and soakage tests for any existing soakaways to prove the soakaways still work properly. The owners must maintain the soakaways in a good condition thereafter; k) Include 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 immediately following construction to be approved by the Local Planning Authority. This Report shall include plans and details of all 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. |

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| | <p>All sustainable drainage measures shall be implemented in accordance with the approved details before the development 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> <p>Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding, improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because insufficient information accompanies the application and such measures may need to be incorporated into early building operations.</p> |
| 5. | <p>Materials as specified</p> <p>No development of the approved building above ground level shall take place until a schedule of all external materials including samples of colours and finishes has been submitted and approved in writing under a formal discharge of conditions application. The materials to be used in the approved building shall be in accordance with the approved details, schedule and samples.</p> <p>Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Supplementary Planning Document Quality Design (June 2006).</p> |
| 6. | <p>Lighting strategy (AONB)</p> <p>No external lighting or floodlighting shall be installed to the building until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed to the building except in accordance with the above strategy.</p> <p>Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p> |
| 7. | <p>Ecological mitigation</p> <p>The building hereby approved shall not be brought into first use until all ecological measures and enhancement measures have been implemented in accordance with the details contained in the Preliminary Ecological Appraisal 194/R1 by Herdwick Ecology dated September 2021 received 20th October 2021.</p> <p>Reason: To ensure there are no significant impacts on the local designated areas. 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>Hours of work</p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority: 7:30am to 6:00pm Mondays to Fridays;</p> |

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| | <p>8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p> |
| 9. | <p>Landscaping</p> <p>All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme (Scheme of landscape planting received 16th February 2022) within the first planting season following completion of building operations. 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> |
| 10. | <p>Construction Method Statement</p> <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"> (i) A site set-up plan during the works; (j) Parking of vehicles of site operatives and visitors; (k) Loading and unloading of plant and materials; (l) Storage of plant and materials used in constructing the development; (m) Wheel washing facilities; (n) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction; (o) A scheme for recycling/disposing of waste resulting from demolition and construction works; <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> |
| 11. | <p>External Storage</p> <p>No materials, goods, plant, machinery, equipment, storage containers, waste containers or other items of shall be stored, processed, repaired, operated or displayed in the open land on the site.</p> <p>Reason: To prevent the overdevelopment of the site and to prevent visual harm to the sensitive North Wessex Downs Area of Outstanding Natural Beauty. 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 Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)</p> |
| 12. | <p>Internal Lighting</p> <p>The building hereby approved shall not be first taken into use until an internal lighting</p> |

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| | <p>strategy has been submitted and approved in writing by the Local Planning Authority. The internal lighting strategy shall include details of matters including the specification of any rooflights and blinds, hours of lighting and measures such as timing switches to be installed within the building with a schedule of how these would be operated. The internal lighting and rooflight details for the building shall be retained in accordance with the approved details thereafter.</p> <p>Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p> |
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| 1. | <p>Proactive statement</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p> |
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(The meeting commenced at 18:30 and closed at 22:00)

CHAIRMAN

Date of Signature

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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, 6 APRIL 2022**

Councillors Present: Dennis Benneyworth (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Phil Barnett, Jeff Cant, Carolyn Culver, Clive Hooker, Howard Woollaston and James Cole (Substitute) (In place of Claire Rowles)

Also Present: Sharon Armour (Solicitor), Sian Cutts (Senior Planning Officer), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Gordon Oliver (Principal Policy Officer) and Simon Till (Principal Planning Officer (Team Leader))

Apologies for inability to attend the meeting: Councillor Claire Rowles

PART I

41. Minutes

The Minutes of the meeting held on 23 February 2022 were approved as a true and correct record and signed by the Chairman subject to the following amendments:

- At the bottom of page 9, the text should have referred to the Pickled Pig rather than the hostel building.
- The final bullet on page 13 should have referred to the lack of clear thinking about the use of the gatehouse.

42. Declarations of Interest

Councillor Carolyn Culver declared an interest in Agenda Item 4(1), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

43. Schedule of Planning Applications

(1) Application No. and Parish: 21/02271/FULD, Land North of 31 Horn Street, Compton

(Councillor Carolyn Culver declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was the local Ward Member for this application. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

(Councillor Carolyn Culver declared that she had been lobbied on Agenda Item 4(1).)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/02271/FULD in respect of Land North of 31 Horn Street Compton. Planning permission was sought for a two bedroom house.
2. Ms Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – 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 Gareth Dowding, Principal Engineer (Traffic and Road Safety), if he had any observations relating to the highways aspects of the application. Mr Dowding indicated that swept path analysis had been undertaken to show that cars could enter and leave the parking spaces, even with vehicles parked opposite. The driveway dimensions met the required standards. An electric vehicle charge point would be secured through a condition. Visibility splays had been checked based on speed surveys at the site. In conclusion the proposal satisfied all highway requirements.
4. In accordance with the Council's Constitution, Mr Martin Buckland, Agent, addressed the Committee on this application.

Applicant/Agent Representation

5. Mr Buckland in addressing the Committee raised the following points:
 - He was local to the area, having lived in the village for over 30 years.
 - As a daily user of Horn Street, he was aware of how the parking reduced it to a single lane.
 - Most users of Horn Street were local and travelled at low speeds - he had never experienced a collision or near miss on the road.
 - The proposal would deal with existing issues and bring benefits to the area.
 - There were always objections to development proposals, but there was also lots of support for this application.
 - The application was consistent with the Neighbourhood Development Plan.
 - The Case Officer's report showed that all requirements had been met.
 - There were precedents for infill in the village.
 - The application would create an affordable home that would be within the 'help to buy' scheme.
 - He had grown-up children who were unable to afford to buy a home in the village and the proposed major development at the Institute for Animal Health site would not take place for some years.
 - The neighbouring property had been renovated – this had previously been almost uninhabitable – so the proposal would effectively provide two additional properties.
 - The developer had worked closely with the Council, and had agreed to forego rights to build an approved extension on the neighbouring property, as well as making changes to lights and windows, and adding solar panels and an electric vehicle charge point.
 - Overall, the development should be viewed as positive for the area.

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

Member Questions to the Applicant / Agent

6. It was noted that there was an existing extension on the adjacent property and it was queried whether an additional extension would be built. Mr Buckland confirmed that there was extant permission for another extension, but this would not be built if permission for the new house was granted.
7. Members asked about the position of the solar panels. It was confirmed that the west side of the property was the better side for solar panels.
8. It was suggested that the Parish Council objection would have taken account of the affordable housing need in the village. Mr Buckland noted that the Parish Council tended to object strongly to applications, but indicated that all of their concerns had been addressed. He hoped they would be supportive of providing more affordable homes for young people.
9. Members asked about the materials to be used for the roof and brickwork. It was noted that these would be agreed with Officers and samples would be provided as required.
10. Clarification was sought as to the number of charge points to be provided. It was confirmed that one would be provided initially, but more could be added in future. When asked, Mr Buckland did not object to two charge points being conditioned.
11. Members noted that the property was close to other dwellings and asked if the agent would object to restricted working hours. Mr Buckland recognised that the site was in a residential area and he was happy to comply with restrictions imposed by the Construction Management Plan.
12. It was noted that there was a lot of material currently on the site, despite the extension on the adjacent property being complete. It was confirmed that this was associated with refurbishment of the existing extension and the proposed rear extension would be foregone.

Ward Member Representation

13. Councillor Carolyn Culver in addressing the Committee raised the following points:
 - She felt torn on the application, having considered the Village Design Statement (VDS) and Neighbourhood Development Plan (NDP).
 - There was a need for more affordable homes in the village and she had previously highlighted the need for more 1-2 bed homes to allow older residents to downsize and younger ones to remain.
 - It was better to have infill than build on greenfield sites.
 - It was not known when the residential development would come forward at the Institute for Animal Health and the number of smaller homes that would be provided on that site was not known.
 - Horn Street was congested, with on-street parking reducing it to a single lane.
 - She initially had concerns about access to and from the property, but Highway Officers were happy with the layout.
 - There was already a mix of modern and traditional architecture in the vicinity of the site.
 - Infilling was not inappropriate, since that side of Horn Street was already terraced.

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

- There would still be green space to the north of the site.
- Policy 8 of the NDP included 22 design parameters – most were addressed, and many left ‘wiggle room’ for interpretation:
 - The proposed development was proportionate in height and the two storey extension would not be built.
 - Off road parking would be provided
 - Whether there would be adequate space between buildings was a matter for interpretation.
 - In terms of infilling, no. 27 was physically attached to newer adjacent properties, which had set a precedent.
 - The property would have dormer windows.
 - The house would be a gable building.
 - The agent would be happy to use appropriate materials.
 - The building would have a porch.
 - It would not have a Lady Wantage style dormer, but only one other property on the road had one, and it was not known if these were still produced.
 - She suggested that the use of close-boarded fencing could be reconsidered.
 - She also indicated that she would prefer the solar panels to have a brown hue to complement the roof tiles.
- On balance, Councillor Culver felt that proposal was acceptable, but acknowledged that there was room for debate.

Member’s Questions to the Ward Member

14. The Ward Member was asked if she was felt the proposal to be sufficiently compliant with the NDP. Councillor Culver confirmed that more requirements were satisfied than not. On the issue of Lady Wantage dormer windows, she repeated that she was not sure if these were still produced.

Member’s Questions to Officers

15. There was a query about the use of obscured glazing in the bathroom window. Officers confirmed that this could be conditioned.
16. Members noted that the distance to the windows of properties to the rear of the site would be less than the 21m standard. It was explained that 21m applied where there was direct overlooking, but this could be reduced when the windows were at an angle. The fencing would eliminate overlooking at ground floor level, and the first storey windows on the new property would be roof lights, with the bedroom window 2m above floor level, so overlooking would not be an issue. It was explained that each application was assessed on its own merits and existing relationships were also considered. There were several buildings around the site with overlooking, and it was not considered that the proposal would worsen the existing situation.
17. The Highways Officer was asked about vehicle access / egress. It was explained that the spaces had been widened so cars would have more room to swing in and out to

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

compensate for when cars were parked opposite. Also, a car could get in / out of one space with a car parked in the other space.

18. Members asked if the close-boarded fence could be replaced with a picket fence at the front of the property. It was confirmed that this was proposed, but there was an existing post and rail fence that belonged to the adjacent property.
19. A question was asked about the choice of materials, taking account of the fact that the property was in the Conservation Area. It was explained that external materials were covered by a proposed condition. The name and colour of the bricks / tiles would be provided and samples could be requested. Construction materials were not usually conditioned, but the Energy Statement provided some additional information. Members were informed that they could also seek flush roof lights and control the colour of the solar panels as part of the external materials condition.
20. Members asked about restrictions on hours of working – it was confirmed that this matter was covered in the Update Sheet.

Debate

21. Councillor Adrian Abbs opened the debate. He had initially been concerned by the Parish Council's objection, but had been reassured by the Ward Member's response. On balance he supported the proposal.
22. Councillor James Cole indicated that he was against garden grabbing in principle, but the Ward Member was happy. Other positive aspects related to the low flood risk, the provision of smaller properties, and carbon reduction. He felt that the Planning Officers had done a good job and proposed to accept the Officer Recommendation.
23. Councillor Jeff Cant was puzzled by the grounds for objection and felt that the proposal would deliver a significant enhancement to the plot and the village and indicated that he would vote to approve it.
24. Councillor Phil Barnett indicated that the proposal was better than many of the other small properties that had previously come before the Committee, since it had a reasonable sized communal area. He also liked that a family could benefit from the creation of an affordable home.
25. Councillor Clive Hooker indicated that he supported the principle of applications being called in by 10 or more objections, but he could not see that any planning policies had been breached to a sufficient extent to justify refusal. The application represented infill development within the existing settlement, so the presumption should be to approve it. The applicant had worked with the Council to resolve issues. Councillor Hooker seconded the proposal to accept Officer's Recommendation, subject to amendments of the conditions.
26. Councillor Abbs asked for a condition to be imposed to obscure the glass in the bathroom window.
27. Councillor Culver asked for conditions to require solar panels to have a brown hue, and for materials to be consistent with the requirements of the VDS. She also encouraged Officers to address as many as possible of the 22 statements in the VDS to ensure that it fitted into the street scene.
28. Councillor Cole asked for conditions around conservation roof lights and also for two charge points to be provided.

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

29. Mr Dowding indicated that the requirement was for any charge points to be 7.2kW, but the number of charge points was not usually specified.
30. Councillor Abbs indicated that unless a three-phase power supply was provided, the chargers would operate at less than 7.2kW.
31. Mr Simon Till suggested that the Committee should not seek provision beyond Highways' Officers requirements.
32. Councillor Hooker agreed and indicated that multiple charge points per unit were not sought on other new builds. He felt that the Committee should not set a precedent. He indicated that this would be a starter home so occupants would be unlikely to have two electric cars.
33. Councillor James Cole proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, to be amended to reflect discussions in the meeting. This was seconded by Councillor Clive Hooker.
34. The Chairman invited Members of the Committee to vote on the proposal by Councillor James Cole, seconded by Councillor Clive Hooker to grant planning permission. At the vote the motion was carried.

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

Conditions

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| 1. | <p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</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>Location and Block Plan Drawing No HSNHC/01 Rev H received on 22nd March 2022; Proposed Floor Plans Drawing No HSNHC/04 Rev F received on 17th February 2022; Proposed Elevations and Section Drawing No HSNHC/05 Rev F received on 22nd March 2022; and Design and Access Statement received on 6th September 2021.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

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| 3. | <p>Schedule of materials (prior approval)</p> <p>No development above foundation slab level shall take place until a schedule of the materials to be used in the construction of the external surfaces and conservation style roof lights, 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), Policies C1 and C8 of the Compton Neighbourhood Plan (2020-2037), and Supplementary Planning Document Quality Design (June 2006).</p> |
| 4 | <p>Photovoltaic solar panels</p> <p>No works to the roof shall take place until details of the photovoltaic solar panels including finishes to be installed in the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the photovoltaic solar panels shall be installed in accordance with the approved details.</p> <p>Reason: To protect the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies C1, C3 and C8 of the Compton Neighbourhood Plan the Quality Design SPD and the Newbury Town Design Statement.</p> |
| 5. | <p>Preventing implementation of two schemes</p> <p>The development to which this planning permission relates shall not commence if any part of the development for which planning permission was granted by the Local Planning Authority on 12th October 2020 under application reference 20/01866/HOUSE and pursuant to planning application reference no. 20/01866/HOUSE is already commenced.</p> <p>Reason: The implementation of both schemes together would be unacceptable because it would result in a cramped appearance of the site, which would be detrimental to the street scene and harm the character and appearance of the Conservation Area contrary to the advice contained within the NPPF, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies C1 and C8 of the Compton Neighbourhood Plan (2020-2037), and Supplementary Planning Document Quality Design (June 2006).</p> |
| 6. | <p>Permitted development restriction (extensions/outbuildings)</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 extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, AA, B, C and E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding 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), Policies C1 and C8 of the Compton Neighbourhood Plan (2020-2037), Quality Design SPD (June 2006) and the Village Design Statement for Compton.</p> |

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

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| 7. | <p>Electric vehicle charging points (prior approval)</p> <p>The dwelling shall not be first occupied until an electric vehicle charging point has been provided for the dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times.</p> <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, Policy P1 of the Housing Site Allocations DPD 2006-2026 and Policy C20 of the Compton Neighbourhood Plan (2020-2037).</p> |
| 8. | <p>Construction method statement</p> <p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (e) Wheel washing facilities (f) Measures to control the emission of dust and dirt during construction (g) A scheme for recycling/disposing of waste resulting from demolition and construction works (h) A site set-up plan during the works <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026).</p> |
| 9. | <p>Gradient of private drive</p> <p>The gradient of the private drive shall not exceed 1 in 8.</p> <p>Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p> |
| 10. | <p>Visibility splays before occupation</p> <p>The dwelling hereby permitted shall not be occupied until the visibility splays at the access have been provided in accordance with drawing number HSNHC/01G. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.</p> <p>Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p> |

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

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| 11. | <p>Parking in accord with plans</p> <p>The dwelling hereby permitted shall not be occupied until the vehicle parking has been surfaced, marked out and provided in accordance with the approved plan. The parking spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</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, Policy CS13 of the West Berkshire Core Strategy (2006-2026) Policy P1 of the Housing Site Allocations DPD 2006-2026, and Policy C22 of the Compton Neighbourhood Plan (2020-2037).</p> |
| 12. | <p>Cycle Parking/Storage (approved plans)</p> <p>The dwelling shall not be first occupied until cycle parking/storage facilities have been provided in accordance with the approved drawings. 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> |
| 13. | <p>Sustainable Drainage Scheme</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 West Berkshire Council local standards; b) Include and be informed by a ground investigation survey over winter which confirms the groundwater levels; c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site; d) 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; e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater; f) 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. <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first 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> <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</p> |

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

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| | 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), Policies C18 of the Compton Neighbourhood Plan and the Sustainable Drainage Systems SPD (2018). A pre-condition is necessary because insufficient detailed information accompanies the application and so it is necessary to approve these details before any development takes place. |
| 14. | <p>Hours of work (added)</p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority: 7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p> |
| 15. | <p>Obscure glazing</p> <p>The bathroom window at first floor level in the west elevation shall be fitted with obscure glass before the dwelling hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.</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> |

Informatives

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| 1. | <p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p> |
| 2. | <p>CIL</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p> |

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

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| 3. | <p>Access Construction</p> <p>The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagement@westberks.gov.uk should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.</p> |
| 4. | <p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p> |
| 5. | <p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p> |
| 6. | <p>Excavation in close proximity to the highway</p> <p>In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority. Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or highwaymaintenance@westberks.gov.uk</p> |
| 7. | <p>Official Postal Address</p> <p>Please complete and online street naming and numbering application form at https://www.westberks.gov.uk/snn to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.</p> |
| 8. | <p>Thames Water</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> |
| 9. | <p>Surface Water</p> <p>Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> |
| 10. | <p>Thames Water – Construction</p> <p>If you are planning on using mains water for construction purposes, it's important you</p> |

WESTERN AREA PLANNING COMMITTEE - 6 APRIL 2022 - MINUTES

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| | <p>let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater</p> <p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p> |
| 11. | <p>Materials</p> <p>Condition 3 requires the submission of a schedule of materials for approval. The developers attention is brought to the design parameters set out in support of policy C8 of the Compton Neighbourhood Plan, which refers to the selection of local materials such as soft 'brindle' or 'heather' bricks when selecting materials for approval.</p> |

(The meeting commenced at 6.30 pm and closed at 7.36 pm)

CHAIRMAN

Date of Signature

DRAFT

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

WESTERN AREA PLANNING COMMITTEE

**MINUTES OF THE MEETING HELD ON
TUESDAY, 10 MAY 2022**

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

Apologies for inability to attend the meeting: None

PART I

1. Election of the Chairman

RESOLVED that Councillor Clive Hooker be elected Chairman of the Western Area Planning Committee for the 2022/2023 Municipal Year.

2. Appointment of the Vice-Chairman

RESOLVED that Councillor Tony Vickers be appointed as Vice-Chairman of the Western Area Planning Committee for the 2022/2023 Municipal Year.

(The meeting commenced at 8.44 pm and closed at 8.46 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

| Item No. | Application and Parish | No. | Statutory Target Date | Proposal, Location, Applicant |
|----------|------------------------------------------|-----|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | 22/00493/FUL Newbury Town Council | | 26 th April 2022* | New link road connecting Hectors Way to Kings Road through the Sterling Estate Development with associated retaining walls. Sterling Gardens, Hectors Way, Newbury Nelson Land Limited |

*Extension of time agreed until 09th June 2022.

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/00493/FUL>

Recommendation Summary:

To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.3 of the report) and the completion of a Section 106 legal agreement.

OR

If the legal agreement is not completed by the 09th September 2022, to **DELEGATE** to the Service Director, Development and Regulation to **REFUSE PLANNING PERMISSION**, for the reasons set out in Section 8.4 of the report or to extend the period for completion if it is considered expedient to do so.

Ward Members:

Councillor Phil Barnett
Councillor Billy Drummond
Councillor Erik Pattenden

Reason for Committee determination:

Referred to Western Area Planning Committee by the Ward Member to ensure members assess the new link road which will have wider implications to residents in local roads. Furthermore, most committee members would not have been involved when the original application was discussed.

Committee Site Visit:

06th June 2022

Contact Officer Details

| | |
|-------------------|----------------------------------------------------------------------------------|
| Name: | Masie Masiwa |
| Job Title: | Senior Planning Officer |
| Tel No: | 01635 519111 |
| Email: | Masie.Masiwa@westberks.gov.uk |

1. Introduction

- 1.1 This application seeks full planning permission for the construction of a new link road connecting Hectors Way to Kings Road through the Sterling Estate Development with associated retaining walls and other highway infrastructure including associated drainage and landscaping.

Proposal background:

- 1.2 Members may recall that the application for the redevelopment of Sterling Cables Industrial Estate was approved by the Western Area Planning Committee (WAP) on 18 March 2015. The application was subsequently referred to the District Planning Committee (DPC), where it was approved on 25th March 2015. The application had been referred to the DPC as it comprised a departure from the Development Plan Policy CS9 (Protected Employment Area) in the Core Strategy 2006 to 2026.
- 1.3 The approved development was presented to the two Committees under application reference 15/00319/FULEXT (***Proposal:*** Demolition of all buildings on site, site remediation, new link road, and the erection of 167 flats, car parking and landscaping).
- 1.4 Numerous discharge of condition applications and minor amendment applications were approved by the Local Planning Authority as outlined at Section 2 of the report.
- 1.5 Approved application 19/02546/FULEXT sought planning permission to vary condition 1 of the original planning permission. This application was approved under Section 73A of the Town and Country Planning Act 1990 due to the demolition, decontamination and remediation works having already been undertaken on the site. These amendments were concerned with the building design.
- 1.6 Members are also reminded that the approved development is being progressed in phases. The applicant has stated that no contractor has been appointed for phase two, it is therefore accepted that some of the details will be provided when the relevant phase two is being implemented.
- 1.7 The proposed new link road is generally the same as the previously permitted link road under application 15/00319/FULEXT. The difference is centred on an increase in the site levels during the construction process. This has resulted in an increase in the proposed ground level within the development. The increase in the ground levels is set at approximately 0.9 metres (1 metre in places) and has resulted in the provision of a retaining wall along the southern boundary with the railway land.
- 1.8 The details of the proposed road layout and the retaining walls have been submitted as part of this application before members. In summary the proposal will include the following elements:
- A new link road connecting Hectors Way to Kings Road
 - Changes in proposed ground levels from the approved linked, which has raised the proposed link road by up to one metre in places.
 - Provision of a new retaining wall (0.45 – 1.40 metres in height), a palisade fence above (1.8 metres) and access gate for maintenance.
 - A 2 metre wide maintenance access to the south of the retaining wall.
 - New link road loading bay for refuse vehicles
 - Provision of an acoustic barrier fence south of Gordon Road
 - Provision of road markings, signage and street lighting

- Proposed future access provision to the northern unit and Piper Autos (to be agreed with landowners)
- The replacement of the proposed footway along the southern side of the east to west section of the link road with a surface water infiltration trench. A 2 metre wide footway will still be provided on the northern side.
- A pedestrian crossing facility comprising of dropped kerbs and tactile paving is provided fronting the phase one building to connect the building to the footway on the northern side
- The provision of a mini roundabout junction of the new link road onto Kings Road.
- The section of Kings Road from the proposed mini roundabout to Boundary Road is no longer being widened as previously approved. However a 2 metre wide footway is still being provided on the southern side of the road fronting the site.
- The proposed traffic signal junction at the Kings Road / Hambridge Road / Boundary Road crossroads is no longer included in the scheme. The existing pedestrian crossing from the London Apprentice Public House will be retained.
- Additional crossing points consisting of dropped kerbs and tactile paving on both the Boundary Road arms will be provided.
- The realignment of the Boundary Road between Hambridge Road and the railway bridge with provision of a footway along the eastern side of Boundary Road.
- The new link road, footpaths and associated infrastructure will be adopted by the Council under Section 38 of the Highway Act.
- The new mini roundabout, footpaths and associated infrastructure along Boundary Road / Hambridge Road / Kings Road will be adopted by the Council under Section 278 of the Highway Act.

- 1.9 The existing ground to the underside of the proposed retaining wall may be variable, to address this and strengthen the retaining wall the applicant proposes to excavate down to competent strata and backfill with imported quality material, compacted in layers to a maximum 200mm thickness.
- 1.10 The acoustic barrier fence is proposed as Jakoustic Reflective Acoustic Fence. The acoustic fence has been positioned 500mm from the back of the footpath edge so that foundations for the fence posts do not impact the footpath edging.
- 1.11 The Low level retaining wall along the slope to Gordon Road that coincided with the acoustic barrier is not required and has been removed from the scheme.
- 1.12 The proposed link road, retaining wall and acoustic fence will be maintained by the Highway Authority. The applicant has confirmed in writing that they will arrange the relevant permits/agreements with Network Rail for West Berkshire Highway Authority to inspect and maintain the retaining wall structure and that all third party costs will be covered by the applicant. The permits/agreement will ensure that the Council's Highway Engineers and contractors will have rights of access to supervise construction and access for future inspection and maintenance after the development is complete. These terms including the costs will be secured by a legal agreement under the Heads of Terms at Section 8.2 of the report.
- 1.13 As approved under application 15/00319/FULEXT and under Section 38 of the 1980 Highways Act, the developer would construct the link road and associated footways through the site using funding from the Berkshire Local Transport Board (BLTB), West Berkshire Council Section 106 funding and funding from Homes England.
- 1.14 Under Section 278 of the 1980 Highways Act, the developer is to provide the new mini roundabout, realignment of Boundary Road, road markings, footpaths and other

infrastructure along the Boundary Road / Hambridge Road / Kings Road using funding from the BLTB, West Berkshire Council and the developers own funding from Section 106 of the Town and Country Planning Act 1990.

- 1.15 The site is located on the south eastern edge of Newbury town centre, on the junction of Kings Road and Boundary Road with the railway line on its southern boundary. The Newbury Railway Station is located to the west. The Sterling Industrial Estate was formerly used in the manufacture of steel cables and was home to a number of industrial processes.
- 1.16 The approved development is under construction and will deliver a total of 167 flats with associated underground car parking and the site is being delivered in two phases - phase one and phase two.
- 1.17 The approved residential development consists of a courtyard centred group of buildings (maximum height of 9 storeys) which step down from the rail way line towards Kings Road. Phase two of the development consists of two medium sized buildings in the middle of the site between phase one and Gordon Road. The proposed amendments will retain the principles of the approved buildings.

2. Relevant Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

| Application | Proposal | Decision / Date |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 22/00039/NONMAT | Non material amendment to approved 19/02546/FULEXT - Section 73A: Variation of Condition 2 (Approved Plans) of previously approved application (15/00319/FULEXT): Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. Amendments - adjustments to building levels, floor plans and 'perforated' brick pattern detail. | Pending Consideration |
| 22/00511/COND2 | Application for approval of details reserved by Condition 14 (Acoustic barrier) of planning permission 19/02546/FULEXT - Section 73A: Variation of Condition 2 (Approved Plans) of previously approved application (15/00319/FULEXT): Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. | Pending Consideration |
| 21/00869/ADV | Development signage board to be fixed on aluminium posts and sit just above perimeter site hoarding | Approved |

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|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 20/02328/FULEXT | Section 73A: Variation/Removal of condition 1 (Approved Plans); condition 3 (Finished Floor Levels); condition 7 (Construction Management Plan); condition 10 (Sewer system improvements), condition 11 (Drainage strategy) and condition 13 (SuDS) of approved application 19/02546/FULEXT: Section 73A: Variation of Condition 2 (Approved Plans) of previously approved application (15/00319/FULEXT): Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. | Withdrawn application |
| 20/00168/COND5 | Application for approval of details reserved by Conditions (8) cmp, (9) dust suppression, (12) sewerage system imps, (13) drainage strategy, 17 (SuDS) and (18) acoustic barrier of approved 15/00319/FULEXT - Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. | Split Decision |
| 19/02546/FULEXT | Section 73A: Variation of Condition 2 (Approved Plans) of previously approved application (15/00319/FULEXT): Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. | Approved |
| 19/01738/COND4 | Discharge of Condition 10. Factual Completion and Validation report for final part of Condition 10 for approved application for the erection of 167 apartments, a new link road, car parking and landscaping. | Approved |
| 19/01002/COND3 | Application for approval of details reserved by conditions (2) materials (3) finish floor levels (6) north/south corridor (7) ecology (11) noise (15) landscaping (18) acoustic barrier (22) vehicle parking and (24) obscure glazing of approved application 15/00319/FULEXT - Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. | Split Decision |

| | | |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 18/01612/COND2 | Approval of details reserved by Conditions 10: Contamination of approved application 15/00319/FULEXT - Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. | Approved |
| 16/02092/COND1 | Application for approval of details reserved by Conditions 16 and 19 of approved application 15/00319/FULEXT- Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. | Approved |
| 15/00319/FULEXT | Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. | Approved |
| 11/02329/FULEXT | Comprehensive redevelopment of Sterling Industrial Estate into 166 dwellings with associated access from Kings Road, car parking, landscaping and decontamination works. | Refuse |

3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10 (f) (Urban development projects – Construction of roads not included in Schedule 1) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. The Local Planning Authority (LPA) has taken into account the selection criteria in Schedule 3 of the 2017 EIA Regulations. An EIA screening exercise has been completed in accordance with the Regulations, which concluded that the proposed development is not “EIA development” according to the 2017 EIA Regulations and an Environmental Statement is not required.
- 3.2 A site notice was displayed on 21st March 2022 and the deadline for representations expired on 11th April 2022.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development. The development is not CIL liable.
- 3.4 More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

| | |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Newbury Town Council: | Objection concerns: Newbury Town Council stated that the application should be brought to the Western Area Planning Committee for consideration. In addition, concerns were raised about the effect on parking, on highways, and on flooding issues. The justification for this development was to close King's road to through traffic, this should also be considered. |
| WBC Highway Authority: | No objection, subject to conditions |
| WBC Local Lead Flood Authority | No objection subject to additional information |
| WBC Environmental Health | No objection, subject to conditions |
| Network Rail | No objection, subject to informatives. |

Public representations

Total: 12 Support: 0 Impartial: 1 Object: 11

- 4.2 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following planning related points have been raised:

- Loss of permit controlled parking space as a result of the proposals.
- No provision is being made to residents of Kings Road for loss of parking
- Developer has not consulted with residents before submitting parking proposals for consideration.
- Concerns with regard to HGVs using the new link road to access Hambridge road from south of Newbury and the town centre.
- Concerns with regard to air and noise pollution caused by traffic
- Safety of residents entering and exiting their homes due to cyclists using the footpaths.
- Increased number of children, pedestrians and cyclists sharing the space
- Concerns with regard to the safety of the unmarked crossings.
- Increased use of the affected roads by HGVs and Lorries.

- Safety concerns with regard to crossing the road at the Kings Road / Boundary Road junction.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies NPPF, ADPP1, ADPP2, CS5, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy P1 of the Housing Site Allocations Development Plan Document (HSA DPD).
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2018)
- Planning Obligations SPD (2015)
- Conservation of Habitats and Species Regulations 2017
- West Berkshire CIL Charging Schedule
- Manual for Streets
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- Highway safety
- Flooding and drainage
- Objections and representations

Principle of development

- 6.2 Policy ADPP1 sets the overall spatial strategy for development in West Berkshire. It seeks to focus the majority of development within the defined settlements and on previously developed land. Policy ADPP1 states that West Berkshire's main urban areas will be the focus for most development.
- 6.3 As outlined to members at Section 1 of the report, planning application 15/00319/FULEXT was approved by the District Planning Committee and the planning permission includes the provision of a new link road, car parking and landscaping. The principle of the new link road is therefore well established by the approval of planning application 15/00319/FULEXT.
- 6.4 The need for the new link road development is established through the approved residential development, now under construction. In summary it is considered that the identified need for adequate access provisions for the Sterling Cables residential development is appropriate development in the context of Policy ADPP1.
- 6.5 Core Strategy Policy ADPP2 sets the spatial strategy for development in Newbury and outlines that Newbury will accommodate approximately 5,400 new homes over the Core Strategy plan period, contributing to its role and function as the largest urban area in West Berkshire. In addition the policy indicates that a range of transport measures, to minimise congestion, improve safety and enhance connectivity will be implemented. It is therefore considered that the proposed development does not conflict with this policy in principle, but appropriate weight must be given to environmental considerations in the determination of the application.
- 6.6 Core Strategy Policy CS5 states "the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision ... and will seek to co-ordinate infrastructure delivery, whilst protecting local amenities and environmental quality." Whilst the new link road is not included within the Council's Infrastructure Delivery Plan, it is considered that Policy CS5 supports the principle of providing infrastructure for which there is a demonstrable need.
- 6.7 Core Strategy Policy CS13 states "development that generates a transport impact will be required to: improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities (amongst others)." Road safety in West Berkshire is a key consideration for all development. Particular focus should be given to the safety of pedestrians, cyclists, and other vulnerable road users. The identified need for the proposed development derives from public safety considerations and the proposed highway infrastructure is focused on a safe environment for all road users within the area. It is considered that the proposed development complies with this policy in principle.
- 6.8 Overall, it is considered that the relevant policies of the Development Plan are generally supportive of the principle of development. The Development Plan does, however, provide a clear framework for balancing the relevant considerations (e.g. infrastructure delivery and environmental protection). Having due regard to the presumption in favour of sustainable development, it is considered that the principle of the proposed development is acceptable. The wider development plan policies and other material planning considerations are further considered below.

Design, function, character and appearance of the area

- 6.9 Core Strategy Policy CS14 requires all new development to respect and enhance the character and appearance of the area.
- 6.10 Core Strategy Policy CS19 sets the framework for assessing the impact on the character of the area. It states that particular regard will be given to (a) the sensitivity of the area to change, (b) ensuring new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.11 The proposed link road will be visible mainly from the elevated Kings Road street scene and junction. The link road and acoustic fence will also be visible from the properties along Gordon Road. The proposed materials are synonymous with highway development and the proposed fence is designed as a timber structure which is acceptable within a residential area. The proposed fence height is approximately 2 metres which is a scale that is acceptable within residential areas.
- 6.12 In relation to hard landscaping, a mix of asphalt concrete carriageway and footpaths, grass verges and tactile paving slabs is proposed. The tactile paving slabs are proposed as a buff colour, which is common on highways and footpaths. The use of palisade fencing above the retaining wall along the boundary with the railway line is also acceptable for this use.
- 6.13 Officers consider that the development sufficiently respects the character and appearance of the site and the area. The proposal therefore complies with Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design.

Impact on neighbouring amenity and quality of life

- 6.14 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework.
- 6.15 Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire. Policy CS14 is of importance with regard to the potential impact upon neighbouring amenity.
- 6.16 The dwellings along Gordon Road to the north of the proposed link road are located approximately 24 metres from the proposed acoustic barrier fence. The proposed acoustic fence and retaining wall are both located a sufficient distance away from residential amenity. It is considered that there will be no adverse impact on daylight and sunlight on residential amenity.
- 6.17 The overbearing character of a proposal is capable of being a material planning consideration. Given that the proposed acoustic fence is located at the bottom of an embankment with Gordon Road properties located on the elevated ground will not be

impacted in terms of overbearing impacts. An individual's view over neighbouring land of some distance is not a material consideration, unless the view in question coincides with a public view. There are no public views from public land that will be impacted by the development. The proposed type of acoustic fence will be in keeping with the character of the area, and will also functionally safeguard neighbouring amenity

- 6.18 Officers consider that given the location of the structures, there are no impacts on neighbouring amenity from the retaining wall and palisade fence due to the location of these structures.
- 6.19 A noise assessment report has been submitted and includes an assessment of the potential noise from the proposed link road. A noise survey was undertaken from five different locations and the daytime and night-time noise levels were determined in the noise report.
- 6.20 The noise assessment recommends the installation of a 2 metre high acoustic barrier to the south west of the development site and along the north of the new link road, adjoining Gordon Road. The proposed acoustic barrier must be imperforate (i.e. solid, with no gaps, and sealed at the base), and have a surface density of an accepted standard for sites adjoining busy roads.
- 6.21 The Environmental Health Officer has reviewed the noise assessment and has raised no objections. The Environmental Health Officer considers that the proposed glazing, balcony balustrades and vent schemes for each type of room in each block of flats will protect future occupiers from any noise from the proposed link road. In addition the proposed acoustic noise barrier will be effective in protecting the existing residential amenity along Gordon Road.
- 6.22 Overall the impact on neighbouring amenity from the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal accords with the NPPF, Policy CS14 and the SPD on Quality Design.

Highway Safety

- 6.23 The NPPF states that all plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."
- 6.24 As outlined to members at Section 1 of the report, planning application 15/00319/FULEXT was previously approved by the District Planning Committee and the approved development included a new link road, car parking and landscaping.

- 6.25 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.26 In order to avoid any loss of detail, the full comments of the highways officer are repeated below and the Highway comments address the highway safety concerns submitted through representations.
- 6.27 The purpose of the link road through the site is to reduce traffic along most of Kings Road and Mill Lane to the north by diverting traffic along the B3421 from these roads to the new link road. These roads are increasingly considered to be unsuitable for the current volumes and types of traffic, and with the link road these could be made into quieter residential streets. The link road would also enable the provision of improved pedestrian and cycle routes through this area of Newbury, especially following approval of the housing development at Newbury Racecourse. Furthermore traffic leaving the Kings Road area and Sainsbury when wishing to travel east must 'U – turn' around the A339 / Bear Lane roundabout to travel along Mill Lane to travel eastwards. There will therefore be a small reduction in traffic on the roundabout with the removal of these 'U – turning' traffic movements. It is also considered that the new link road will provide an economic benefit through an improvement for HGV access to the industrial area as there is a restriction on Mill Lane.
- 6.28 Following completion of this link road, future plans for Kings Road and Mill Lane will need to be devised by this Council in consultation with local residents and other local stakeholders.
- 6.29 The original planning application 15/00319/FULEXT was approved during March 2015 at the District Planning Committee. With regards to highways the following works secured by legal agreement were included:
- 1) Under Section 38 of the 1980 Highways Act, the developer to construct the link road and associated footways on both sides through the site using funding from the Berkshire Local Transport Board (BLTB) and West Berkshire Council Section 106 funding.
 - 2) Under Section 278 of the 1980 Highways Act, the developer is to provide the following using funding from the BLTB, WBC S106 and the developers own funding from Section 106 of the Town & Country Planning Act 1990.
 - a) The provision of a mini roundabout onto Kings Road along with the widening of Kings Road from the mini roundabout to Boundary Road with associated footways fronting the site.
 - b) Provision of the Boundary Road / Hambridge Road / Kings Road traffic signal junction
 - c) Realignment of Boundary Road between Hambridge Road and the railway bridge, with the provision of a footway along the western side of Boundary Road
- 6.30 Under Section 106, the developer to fund measures to deliver the Travel Plan and encourage sustainable travel choices to be made by residents of the development.

6.31 Development of this site was always going to be challenging and expensive owing to significant contamination levels within the site. In this regard, further funding was later also obtained from Homes England to assist in providing the link road and developing the site. All of the above was later all encompassed within a Road Funding Agreement signed with the developer.

6.32 There have also been other challenges in providing the above highway works:

- Cables, pipes etc. within verges and footways around the Kings Road / Hambridge Road / Boundary Road crossroads being prohibitively expensive to relocate to allow the provision of a traffic signal junction and associated road widening on the south east corner of the crossroads
- Difficulties in providing surface water drainage within the site that then required the provision of an infiltration trench on the southern side of the proposed link road, instead of a footway.
- Unauthorised land level and geometry changes that have affected the overall design of the above proposed highway works.

6.33 From the original planning application 15/00319/FULEXT, the following main changes are now proposed with the design:

- The replacement of the proposed footway along the southern side of the east to west section of link road with a surface water infiltration trench. A 2.0 metre wide footway will still be provided on the northern side. A pedestrian crossing facility comprising of dropped kerbs and tactile paving is provided fronting the phase one building to connect the building to the footway on the northern side.
- The section of Kings Road from the proposed mini roundabout to Boundary Road is no longer being widened, but a 2.0 metre wide footway is still being provided on the southern side of the road fronting the site
- Changes in levels that have raised much of the proposed link road by one metre in places. This has resulted in the requirement for a retaining wall structure along some sections between the road and the railway. An acceptable design for the retaining wall has been submitted. Network Rail are also content with the structure.
- The deletion of the traffic signal junction at the Kings Road / Hambridge Road / Boundary Road crossroads. While this is regrettable, the existing controlled (Zebra) pedestrian crossing from the London Apprentice PH will be retained. Additional crossing points consisting of dropped kerbs and tactile paving will be provided on Boundary Road north arm and a new zebra crossing will be provided on Boundary Road south. The provision of a traffic signal junction and a non-signalised junction were modelled using appropriate modelling software. No significant difference was found in the overall modelling results.

- 6.34 It should be noted that the proposed widening of Boundary Road with an additional footway on the western side is unchanged. The existing traffic signals on the railway bridge are temporary and will be removed upon completion of the widening.
- 6.35 The east to west section of the link road also includes a loading layby that can be used by refuse vehicles and other large vehicles for serving phase one
- 6.36 Members are therefore being requested to approve the submitted plans that are covered by the following amended terms of highway works
- 1) Under Section 38 of the 1980 Highways Act, the developer to construct the link road with footways on both sides within the north to south section and a footway on the northern side of the east to west section. This is using funding from the Berkshire Local Transport Board (BLTB), West Berkshire Council Section 106 funding and funding from Homes England.
 - 2) Under Section 278 of the 1980 Highways Act, the developer is to provide the following using funding from the BLTB, WBC, and the developers own funding from Section 106 of the Town & Country Planning Act 1990.
 - a) The provision of a mini roundabout onto Kings Road along with associated footways fronting the site alongside Kings Road.
 - b) Provision of improvements to the Boundary Road / Hambridge Road / Kings Road crossroads.
 - c) Realignment of Boundary Road between Hambridge Road and the railway bridge, with the provision of a footway along the western side of Boundary Road
 - 3) Under Section 106 of the Town & Country Planning Act 1990, funding (level of funding to be advised) for measures to deliver the Travel Plan and encourage sustainable travel choices to be made by residents of the development.
- 6.37 The provision of the above Section 278 highway works will result in the loss of some eight on street car parking spaces within Kings Road that serve mainly numbers 132 to 146. It has always been the aim of the Council to allow these residents to park within the development. This has so far not been agreed by the developer. However highway and planning officers will aim to secure this by condition as part of non-material amendment application 22/00039/NONMAT that is currently being considered regarding alterations to the proposed phase one building and level car parking layout.
- 6.38 On site car parking levels of 127 spaces in phase one are being retained within the proposal and will be covered by the non-material amendment 22/00039/NONMAT. 42 car parking spaces are proposed in phase two.
- 6.39 In conclusion, highway officers recommend approval of this planning application, subject to a revised Section 106 Agreement and conditions. A Section 38 and Section 278, separate or combined agreements will also need to be provided.
- 6.40 With regard to construction disruption, the applicant states that all construction operatives who use their vehicles to visit the construction site are allowed to park on

site in the parking area made available. Operators are also encouraged to use public transport where possible.

- 6.41 Overall, on the basis of these comments it is considered that the proposed development is acceptable in respect of highway safety and other highway considerations, and therefore the proposal complies with Core Strategy Policy CS13. It should be noted that the management of the road closures required to facilitate the works, and other consents such as the legal process of stopping up the public highway, are governed by separate legislation; it is not the purpose of the planning system to duplicate these controls.
- 6.42 In accordance with Core Strategy Policy CS13, development that generates a traffic impact will be required to reduce the need to travel, improve and promote opportunities for healthy and safe travel, improve travel choice and facilitate sustainable travel, and mitigate the impact on the local transport network and the strategic road network. The main transport and highway issues relating to this application are the duration of works, impact on local highway network, access for construction phase works, and trip generation.
- 6.43 Amendments to the original Section 106 legal agreement will be necessary to reflect the changes to the link road and the stage of the development. It is expected that an appropriate deed of variation to the legal agreement will be secured in accordance with the Heads of Terms included at Section 8.2 of this report.
- 6.44 Overall, it is considered that the principle of the new link road is established by the previous planning permission and the proposed development will not present a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan. The Highway Authority raises no objection on the proposed development in principle, although negotiations on the detail are ongoing and nearing completion at the time of this report's publication. Any additional comments on the highway matters will be provided on the Update Report to the committee.

Flooding and drainage

- 6.45 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.46 The application site is located within Flood Zone 1, which has the lowest probability of flooding and is considered suitable for new residential development. The management of surface water runoff is of paramount importance in accordance with Policy CS16.
- 6.47 The Lead Local Flood Authority (LLFA) has no overall objection on the application. The Drainage Strategy highlights that the development would incorporate sustainable drainage solutions to dispose of surface water runoff from the proposed link road. The proposed drainage scheme relies on discharging water via underground twin pipes that are channelled through cross connections to an infiltration drain that runs parallel to the link road to the south. The LLFA consider that the discharge into the infiltration drain would be uneven with the east end infiltration only receiving water in heavy storm

events. Despite this point and a request for additional information, the LLFA raises no objection on the proposed drainage measures in principle, although negotiations on the final detail are ongoing and nearing completion at the of this report's publication. Any detailed comments on the sustainable drainage measures will be provided on the Update Report to the committee.

- 6.48 It is considered that the proposal could comply with the National Planning Policy Framework and Policy CS16 of the WBCS.

Objections and representations

- 6.49 Concerns have been raised by Newbury Town Council and residents regarding parking, highways safety, and flooding issues. Some of the comments were also provided on an impartial basis. The relevant planning related points raised in objection have all been acknowledged and fully considered in this report and were considered using expert advice from the relevant consultees.
- 6.50 In the interests of public safety and neighbouring amenity, it is appropriate for the planning system to impose controls over the construction process, provided that doing so does not duplicate other the controls imposed by other legislation. The Highway Authority has requested conditions for the development as outlined in Section 8.3 of the report.
- 6.51 Network Rail have no objections in principle to the application. Any works on railway land will need to be undertaken following engagement with Network Rail's Asset Protection to determine the interface with Network Rail assets.
- 6.52 The applicant has confirmed in writing that Network Rail have agreed that there will be a gate access through the palisade fence. Access arrangements to the retaining walls will be secured through the section 106 legal agreement.
- 6.53 Road closures and associated matters will be controlled by consents given by the Local Highways Authority, and therefore should not be duplicated by the planning permission. Accessibility and emergency access to nearby properties will be considered as part of these separate consents.
- 6.54 The occupation of the development will be possible only when safe access and egress has been achieved to the individual block entrances. Safe access will also be approved through Building Control.

7. Planning Balance and Conclusion

- 7.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.
- 7.2 The site is located in a sustainable location. The proposal will continue to deliver short and long term economic benefits, creating jobs during the construction phase of the

development and in the long term provide suitable access to the Industrial Estate by HGVs. This weighs in favour of the proposal.

7.3 In assessing sustainable development, the social considerations overlap the environmental considerations and include any potential impacts on the character of the area, impact on residential amenity and flooding. These matters have been fully considered in this report. It is considered that the development sufficiently protects the social and environmental dimensions of sustainable development within the area. This weighs in favour of the proposal.

7.4 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is acceptable and is recommended to members for approval.

8. Full Recommendation

8.1 **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the completion of a Section 106 legal agreement Deed of Variation by 09th September 2022 (or such other date to be agreed in writing by the Service Director – Development and Regulation in consultation with the Chairman of the Western Area Planning Committee) and in accordance with the schedule of conditions (Section 8.3).

8.2 Heads of Terms for the Section 106 Agreement Deed of Variation for the application.

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| 1. | <p>Summary of amendments to Highway Works section of the Section 106 Legal Agreement dated 31 March 2015.</p> <ol style="list-style-type: none">1) Add the “retaining wall and acoustic barrier fence” to the definition of “the Access Road” in the definitions Section 1.12) Add this application reference “22/00493/FUL” to the definition of “the Application” in the definitions Section 1.1 <p>First Schedule</p> <ol style="list-style-type: none">3) Amend the wording in clause (5) from “Not to commence the development until they have entered into an agreement with the Council pursuant to Section 278 of the Highways Act”, such that the clause states “Not to occupy the development”4) Amend the Clause (5) sub sections 5.1, 5.2 and 5.3 respectively as follows:<ol style="list-style-type: none">a) The provision of a mini roundabout onto Kings Road along with associated footways fronting the site alongside Kings Road.b) Provision of improvements to the Boundary Road / Hambridge Road / Kings Road crossroads.c) Realignment of Boundary Road between Hambridge Road and the |
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| | <p>railway bridge, with the provision of a footway along the western side of Boundary Road</p> <p>5) Amend the wording in clause (6) from “Not to commence the development until they have entered into an agreement with the Council pursuant to Section 38 of the Highways Act”, such that the clause states “Not to occupy the development”</p> <p>6) Amend the wording in clause (7) from “Not to commence the development” such that it states “Not to occupy the development until the Access road, acoustic barrier fence, retaining wall and access rights for inspection and maintenance have been completed and adopted by the Council as public highway maintainable at the public expense.”</p> <p>Second Schedule: “Infrastructure Contribution”</p> <p>7) Add a Clause to the Second Schedule which states that the applicant will provide and pay for all the permits/agreements and all costs (including third party costs) with Network Rail for West Berkshire Highway Authority to inspect and maintain the retaining wall structure. The sum of contribution will be finalised and included in the Second Schedule.</p> <p>8) Add to the Second Schedule, a sum of funding (level to be advised by Highway Authority) for measures to deliver the Travel Plan and encourage sustainable travel choices to be made by residents of the development.</p> <p>Amend as necessary, any other associated clauses in association with the above Heads of Terms and proposed development as advised by the Council’s Legal Service.</p> |
| 2 | <p>Council’s Costs</p> <ul style="list-style-type: none"> To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee. |

8.3 Schedule of Conditions

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| 1. | <p>Time Limit for commencement</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</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 following approved documents and plans:</p> <p>Received on 24 February 2022</p> |

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| | <ul style="list-style-type: none"> • Jakoustic reflective fence details • Noise assessment • Application form <p>Received on 28 February 2022</p> <ul style="list-style-type: none"> • Location plan • Highway construction details • Section 38 long sections • Section 38 swept path analysis bus • Section 38 setting out plan • Amended Section 278 cross sections <p>Received on 08 March 2022</p> <ul style="list-style-type: none"> • Drainage strategy, SUDS and sewer system improvements part 1 • Drainage strategy, SUDS and sewer system improvements part 2 • Drainage strategy, SUDS and sewer system improvements part 3 • Construction management plan logistics plan <p>Received on 15 March 2022</p> <ul style="list-style-type: none"> • Amended Section 278 site clearance • Amended Section 278 contours and levels • Amended Section 278 pavement finishes and kerb types • Amended Section 278 road markings and signage • Amended Section 278 plan • Amended Section 278 proposed street lighting sheet 1 • Amended Section 278 proposed street lighting sheet 2 • Amended Section 278 swept path analysis rigid bus • Amended Section 278 boundary road railway bridge proposals • Amended Section 278 scheme layout • Amended Section 278 proposed drainage • Amended Section 278 swept path analysis refuse vehicle sheet 1 • Amended Section 278 swept path analysis refuse vehicle sheet 2 • Amended Section 278 new routes temporary signing plan <p>Received on 05 May 2022</p> <ul style="list-style-type: none"> • Applicant response regarding acoustic fence <p>Received on 06 May 2022</p> <ul style="list-style-type: none"> • Jackure fence 25 year guarantee • Fencing due diligence statement • Section 278 comments • Amended construction management plan statement • Amended section 38 proposed phasing and drainage plan • Amended Newbury remaining construction method schedule • Amended section 38 retaining walls |
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| | <ul style="list-style-type: none"> • Amended section 38 scheme layout • Amended section 38 proposed levels • Amended section 38 pavement finishes and kerbs • Amended section 38 road markings and signage • Amended section 38 adaptable highway infrastructure plan • Amended section 38 cross sections • Amended section 38 proposed street lighting • Amended section 38 swept path analysis refuse vehicles • Cable ducting plan • Amended drainage construction details <p>Received 24 May 2022</p> <ul style="list-style-type: none"> • Amended section 38 proposed drainage <p>Received 26 May 2022</p> <ul style="list-style-type: none"> • Amended acoustic fence details plan <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 3 | <p>External Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and documents. The development shall be carried out in accordance with the approved materials.</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> |
| 4 | <p>Sustainable drainage measures</p> <p>Irrespective of the submitted details, the development hereby approved shall not be first used or open to traffic until details of the full sustainable drainage measures to manage surface water runoff within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The sustainable drainage measures shall be implemented in accordance with the approved details before the link road hereby permitted is open to traffic, 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 in the approved condition thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of the West Berkshire Supplementary Planning Document Quality Design (June 2006).</p> |

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| 5 | <p>Surface water ground infiltration</p> <p>No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance any submitted details that are approved.</p> <p>Reason: To protect local groundwater. This condition is applied in accordance with the requirements of the NPPF and Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p> |
| 6 | <p>Piling and Groundwater</p> <p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with any submitted details that are approved.</p> <p>Reason: To protect local groundwater. This condition is applied in accordance with the requirements of the NPPF and Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p> |
| 7 | <p>Construction Method Statement</p> <p>The development shall be carried out in accordance with the approved Construction Method Statement and site set-up plan.</p> <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).</p> |
| 8 | <p>Construction hours</p> <p>No construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays;</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p> |

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| 9 | <p>Link road completion prior to Phase one occupation</p> <p>No dwelling within phase one shall be occupied until the B3421 link road from Hectors Way to Boundary Road is completed and open to traffic along with all off site highway works along Kings Road and Boundary Road have all been constructed in accordance with the approved drawing(s).</p> <p>Reason: To ensure that safe access arrangements are provided and maintained before the dwellings are occupied, 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> |
| 10 | <p>Link road completion prior to Phase two development</p> <p>No development shall take place within phase two until the B3421 link road from Hectors Way to Boundary Road is completed and open to traffic along with all off site highway works along Kings Road and Boundary Road have all been constructed in accordance with the approved drawing(s).</p> <p>Reason: To ensure that safe access arrangements and the interest of road 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> |
| 11 | <p>Retaining wall structure</p> <p>No dwelling within phase one shall be occupied until all retaining structures, barriers and fencing along the railway line have been constructed in accordance with the approved drawings.</p> <p>Reason: To ensure that safe access arrangements and the interest of road 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> |
| 12 | <p>Gordon Road Vehicle Restraint System</p> <p>No dwelling within phase one shall be occupied until a Risk Assessment covering the need for a vehicle retaining barrier at the top of the embankment alongside Gordon Road has been submitted in writing and approved by the Local Planning Authority, all appropriate recommendations provided, with the system then being constructed in accordance with the approved drawing(s).</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p> |

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| 13 | <p>Acoustic barrier</p> <p>The development hereby permitted shall be implemented in accordance with the Noise Impact Assessment Ref P17-450-R01v1 by Hepworth Acoustics Ltd dated January 2019, Jakoustic reflective fence details received on 24 February 2022, Applicant response regarding acoustic fence received on 5 May 2020, Jackure fence 25 year guarantee details, the fencing due diligence statement received on 06 May 2022 and the amended acoustic fence details plan received on 26 May 2022.</p> <p>The completed acoustic fence shall be coated with anti-graffiti application as detailed on the amended acoustic fence details plan received on 26 May 2022.</p> <p>No dwelling within phase one shall be occupied until the approved Acoustic Barrier details have been approved as part of being adopted as Highway by the West Berkshire Highway Authority.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers of properties along Gordon Road, 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).</p> |
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Informatives

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| 1. | <p>Approach of the LPA</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p> |
| 2. | <p>Legal agreements - Section 106</p> <p>This Decision Notice must be read in conjunction with the terms of the Legal Agreement of the *. You are advised to ensure that you have all the necessary documents before development starts on site.</p> |
| 3 | <p>Consent to enter land</p> <p>You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.</p> |
| 4 | <p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p> |

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| 5 | <p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p> |
| 6 | <p>Network Rail Assets protection</p> <p>Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.</p> |
| 7 | <p>Drainage</p> <p>Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.</p> |
| 8 | <p>Ground Levels</p> <p>The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.</p> |
| 9 | <p>Ground Disturbance</p> <p>The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.</p> |
| 10 | <p>Piling</p> <p>Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.</p> |

8.4 Refusal reason

If the legal agreement is not completed by the 09th September 2022 (or such other date to be agreed in writing by the Service Director – Development and Regulation in consultation with the Chairman of the Western Area Planning Committee), to

DELEGATE to the Service Director, Development and Regulation to **REFUSE PLANNING PERMISSION**, or to extend the period for completion if it is considered expedient to do so.

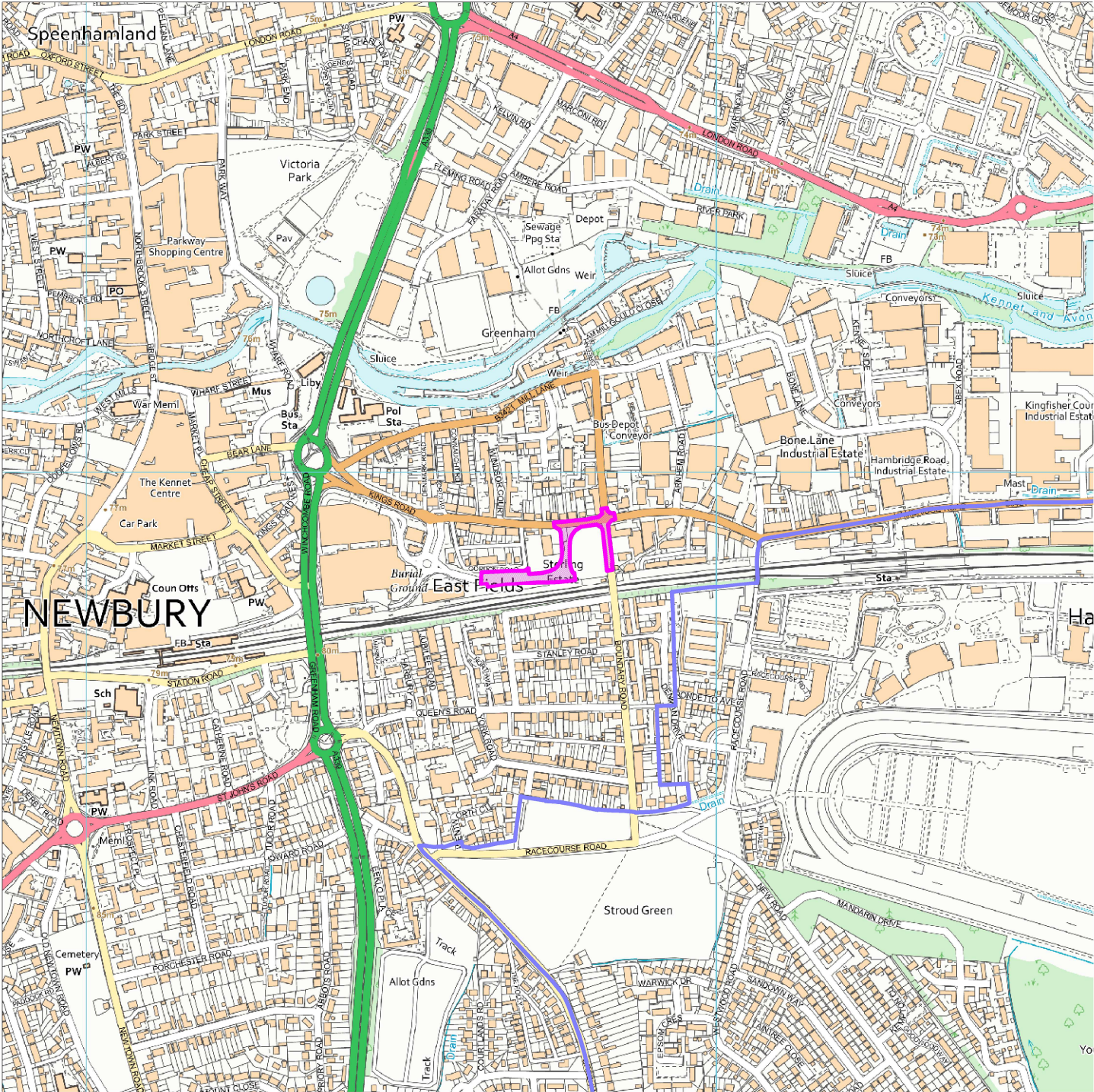
S106 Planning Obligation Refusal Reason

The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation.

The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:

(a) Highway safety in accordance with Policy CS13 and TRANS.1 without which the proposal would be contrary to the NPPF, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Planning Obligations SPD.

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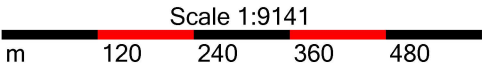
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| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 25 May 2022 |
| SLA Number | 0100024151 |



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Agenda Item 4.(2)

| Item No. | Application No. and Parish | Statutory Target Date | Proposal, Location, Applicant |
|----------------------------------------------------------------------|---------------------------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (2) | 21/03132/HOUSE Newbury (Clay Hill) | 08.03.2022 ¹ | "Partial Retrospective: Retention of existing metal staircase to side gable end wall and addition of proposed privacy screen." 14 Lime Close, Newbury, West Berkshire RG14 2PW Mr Pawel Kuzdak |
| ¹ Extension of time agreed with applicant until 27.05.22. | | | |

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/03132/HOUSE>

Recommendation Summary: To delegate to the Service Director – Development and Regulation to GRANT PLANNING PERMISSION subject to conditions

Ward Member(s): Councillor Jeff Beck
Councillor Jeff Cant

Reason for Committee Determination: 10 or more objections received.

Committee Site Visit: 06.06.2022

Contact Officer Details

Name: Mr Scott Houston
Job Title: Planning Officer
Tel No: 01635 519111
Email: Scott.houston1@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for seeks partial retrospective planning permission for the retention of the existing metal staircase on the side gable end wall with the addition of a proposed privacy screen.
- 1.2 14 Lime Close is a two storey semidetached house located adjacent to the corner of a turning area for a short cul-de-sac. The dwelling is set back from the highway, with its side wall facing away from the public realm. As a consequence, views of this elevation are limited from within Lime Close. Views from Cresswell Road are achieved between buildings, though they are fairly distant and limited.
- 1.3 This proposal is subsequent to the appeal decision of 21/00445/HOUSE and seeks to address the reasons for dismissal

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

| Application | Proposal | Decision / Date |
|----------------|-----------------------------------------------------------------------|-------------------------------------------------------------|
| 21/02036/HOUSE | Single storey side extension. | Approved 06.10.2021 |
| 21/00445/HOUSE | Retrospective erection of metal staircase on the side gable end wall. | Refused 26.04.2021. Appeal dismissed 03.12.2021 |
| 88/33023/ADD - | Bedroom and en suite over existing kitchen. | Approved 20.10.1988 |
| 87/28924/ADD | Side extension. | Approved 28.05.1987 |

3. Procedural Matters

- 3.1 EIA not applicable.
- 3.2 Site notice displayed on 20.01.22 on a brick pillar at the front of the site. The deadline for representations expired on 10.02.22.
- 3.3 Amended plans site notice displayed on 04.03.22 on a brick pillar at the front of the site. The deadline for representations expired on 25.03.22.
- 3.4 Not CIL liable.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

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| Newbury Town Council: | Objection due to the overbearing of the neighbours causing privacy concerns and the noise caused by the metal staircase. |
| WBC Highways: | No comments to make. |

Public representations

- 4.2 Representations have been received from 24 contributors across two rounds of site notice publication, 13 of which support, and 11 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.
- 4.4 In summary, the following issues/points have been raised against the proposal:
- Proposal does not adequately address privacy issues/overlooking, makes no difference
 - Concern over removal of screen at later date.
 - Screen not tall enough
 - Does not cover enough of staircase
 - Screen not long enough
 - Obscurity of glass unclear, could change in future
 - Concern over noise generated from movements
 - Dominant appearance, aesthetically displeasing
 - Shouldn't be allowed because it is retrospective
 - Statement that purpose of this application is to subdivide the dwelling or to facilitate a subdivision.
 - Concern over parking situation
- 4.5 The following points have been raised for the proposal:
- Proposals are proportionate and sensible
 - Not intrusive
 - Acceptable design, privacy screen addresses issue

- Overlooking is mutual as existing and staircase does not exacerbate this
- Benefits to elderly resident
- Concern that raised issues are not proportionate
- Solution proposed is a good compromise

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, CS14, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- West Berkshire Emerging Local Plan 2020-2037
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Newbury Town Design Statement (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Impact on character
- Impact on amenity

Foreword on amendments

6.2 The application has had a number of amendments in the course of consideration. The proposed details under consideration are those submitted on 21.03.22 and 01.04.22, which included an earlier amendment from 25.02.22 to add trellis to the staircase railings, and where the latest elevations and plans extended the length of the glass screen down to the third riser from the fifth riser.

Principle of development

6.3 The application site is located within the Newbury settlement boundary, where the principle in favour of development is established, subject to assessment against the detailed policies, design, impact on the character of the area and neighbouring amenity which are discussed below.

Character and appearance

- 6.4 The planning history of this case is key in considering the merits of this application with regard to character. This application has been made subsequent to the dismissal of the appeal for the earlier case to retain this staircase under reference 21/00445/HOUSE. The Inspector's decision in this appeal holds significant weight in the conclusions reached here, namely in that the Inspector decided to overturn the Council's reason for refusal on the basis of character, on the following reasoning:
- 6.5 "The [appeal] site is located adjacent to the corner of a turning area for a short cul-de-sac. Due to its corner location, the existing dwelling sits discreetly within the road, set back from the highway with its flank wall facing away from the public realm. As a consequence, views of this elevation are distinctly limited from within Lime Close and therefore it would not represent a dominant or imposing addition within the street scene. Views from Cresswell Road could be achieved between buildings, however, due to the distance from the staircase as well as the nature of the gaps, these views would only be glimpses of a distant structure. Accordingly, I am satisfied that the proposal would not be visually intrusive in these glimpsed views."
- 6.6 Accordingly, the considerations for character are necessarily limited to whether the additional aspects of the development – the privacy screen, comprising a glass screen and a trellis – would materially alter the previously-reached conclusions on the acceptability of the staircase with regard to character.
- 6.7 The additional mass of the glass screen combined with the trellis would result in a relatively larger and more solid appearance than the existing staircase, though it would not be totally solid and would retain an external character.
- 6.8 The holistic proposal remains discreet in location and limited in views from Lime Close due to the position of the dwelling. Views from Cresswell Road will remain glimpsed and distant, where the additional mass of built form sits within the existing built form of the dwelling.
- 6.9 It is further considered the material weight that can be given to character in this instance is outweighed by the weight given to resolving issues surrounding amenity, given the concerns about the character impact of the additional mass as a result of the screen.
- 6.10 The proposal would not therefore result in unreasonable harm to the character and appearance of the surrounding area and would comply with Policies CS14 and CS19 as well as the guidance within the Quality Design SPD and House Extensions SPG. Taken together, these policies seek to ensure high quality design that respects the character and appearance of the area.

Neighbouring amenity

- 6.11 The Inspector's conclusions on amenity also hold substantial weight in the consideration of how this proposal addresses the factors identified in the dismissal of the appeal for application 22/00445/HOUSE:
- 6.12 "The proposal would be highly likely to result in daily comings and goings. Accordingly, the staircase would be subject to a noticeable level of movement to and from the bedroom. I note that the staircase and point of access are functional structures and are not designed to provide either a viewing platform or amenity space. Movements associated with the structure would therefore have a specific purpose. However, the activity would be at an upper level and would represent a highly anomalous form of movement. Due to the prominent location of the structure when viewed from Nos 38 and 40, and the proximity to these neighbouring properties, in my judgement, this would give

rise to a substantial level of actual and perceived overlooking with a demonstrable loss of privacy.”

- 6.13 It is highlighted that the Inspector makes no comment on matters regarding impact from sound from usage. In your officer's view, the impact from usage cannot be adequately quantified, such that it is not a significant material consideration. The consideration for amenity is limited to whether further alterations to the design result in a scheme that addresses the previous reasons for why the scheme was dismissed at appeal on amenity grounds.
- 6.14 The proposed screen is 1.8m tall and extends from the third riser to the top of the staircase, and comprises two parts: a narrow-boarded black trellis affixed to the railings on the staircase, and an obscured glass screen affixed to the top of the railings. The combination of these two changes results in views from 'within' the staircase being highly limited from all angles.
- 6.15 It is necessary that a balance is struck here between providing adequate screening whilst also limiting the additional mass of the alterations through an appearance that is not totally solid. It is considered daily comings and goings would not be appreciated to the same extent as currently exists, and that views out from the staircase would be heavily restricted. The enclosure of staircase emphasises the transitory nature of the space as it will substantially reduce any potential amenity value through restriction of views from the enclosed space which would be glimpsed at their most severe.
- 6.16 To ensure the glass aspect of the screen provides sufficient screening, a condition has been placed on the decision notice dictating the level of obscurity as level 3 on the Pilkington scale. However, should members feel it is required, this matter could be imposed as a pre-commencement condition.
- 6.17 The further changes proposed in this application are considered to address the key reasons for dismissal of the original scheme, and consequently the proposal is in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and guidance contained within the Council's Quality Design (Part 2) Supplementary Planning Document (SPD) and House Extensions Supplementary Planning Guidance (SPG). Taken together, these seek amongst other things to ensure that development has regard to the wider context and locality as well as the living conditions for neighbours.

Other matters

- 6.18 Representations have raised a number of other matters.
- 6.19 Beginning with the consideration of subdivision: this application concerns only the retention and additions to the staircase. The purpose of this application has not been stated as a change of use to subdivide this dwelling. Accordingly on the principle that the Council can only consider that which has been applied for, which in this instance is limited to the staircase and the privacy screen with the stated intent for usage as a singular dwelling, this matter is outside of the considerations of this application.
- 6.20 Property value and loss of private view are not material considerations.
- 6.21 Paragraph 38 of the National Planning Policy Framework states that local planning authorities should approach decisions on a proposed development in a positive and creative way. All applications, irrespective of whether they are retrospective or not are given due consideration within the planning system to determine the acceptability of a development on an objective judgement of its merits. It does not follow that refusal is the only option for resolution when an application is made retrospectively.

- 6.22 Further alteration to the scheme would require a further application and there is no way for the Council to pre-judge the acceptability nor possibility of further alterations.
- 6.23 Finally, as was identified by the Inspector in the appeal for 21/00445/HOUSE and remains true for this application, the proposal would bring demonstrable social benefits for the family member occupying the upper floor of the dwelling, where the staircase allows for a degree of independence whilst also allowing for associated care to be provided.

7. Planning Balance and Conclusion

- 7.1 Having taken account of all relevant policy considerations and the material considerations referred to above, it is considered that the development proposed is acceptable and conditional approval is justifiable. It is not considered that this proposal would demonstrably harm the character of the area nor the amenity of adjoining residential properties, and accords with guidance contained within the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, the West Berkshire Quality Design Supplementary Planning Guidance, and the House Extensions SPG (2004).

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

| | |
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| 1. | <p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</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> <ul style="list-style-type: none"> - Existing floor plans received 13.12.21 - Existing elevations received 20.12.21 - Location and block plan received 11.01.22 - Proposed elevations received 21.03.22 - Proposed floor plans received 01.04.22 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 3 | <p>Materials (as specified)</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.</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</p> |

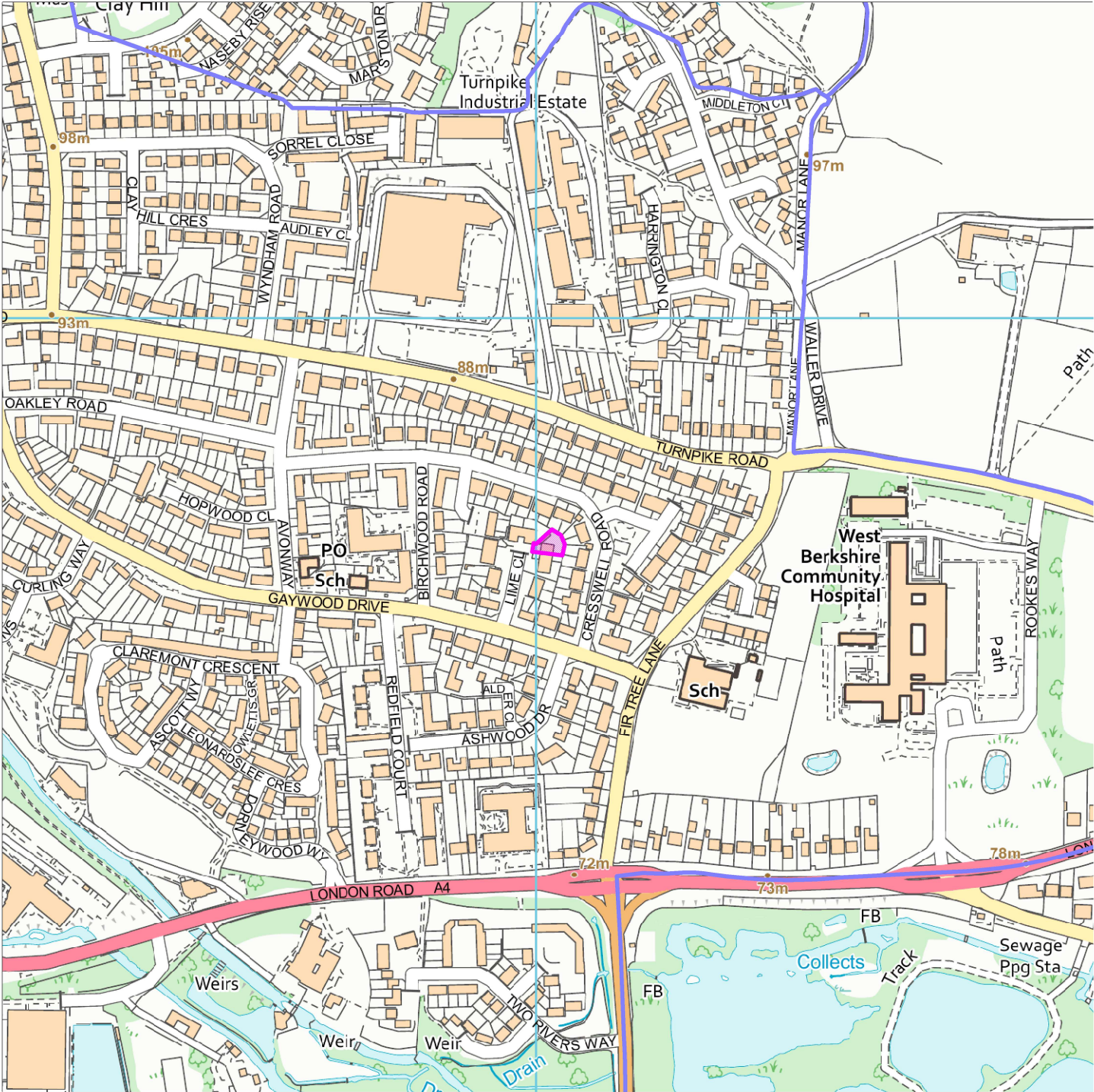
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| | Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006). |
| 4 | <p>Obscure glazing of glass</p> <p>The glass panels on the north and east elevations of the staircase privacy screen shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration, and those panels of glass shall remain glazed as such in perpetuity.</p> <p>Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties. This condition is imposed in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026), WBC Supplementary Planning Document entitled 'Quality Design' (2006) and Supplementary Planning Guidance entitled 'House Extensions' (July 2004), and guidance as contained within the National Planning Policy Framework (2022).</p> <p>Please note that the application of translucent film to clear glazed windows does not satisfy the requirements of this condition.</p> |

Informatives

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| 1. | This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area. |
| 2. | Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition. |
| 3. | Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. |
| 4 | Separate approval for the works hereby granted permission may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk , or visit: www.wokingham.gov.uk/building-control |

21/03132/HOUSE

14 Lime Close, Newbury, RG14 2PW

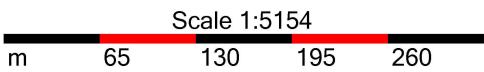


Map Centre Coordinates :

Scale : 1:5153

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| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 05 May 2022 |
| SLA Number | 0100024151 |

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Agenda Item 4.(3)

| Item No. | Application No. and Parish | Statutory Date | Target | Proposal, Location, Applicant |
|---------------------------------------------------------------------------------------|----------------------------|---------------------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| (3) | 22/00648/FULD Newbury | 6 th May 2022 ¹ | | Demolition of existing dwelling and erection of four dwellings 61 Russell Road, Newbury, RG14 5JX Bartlett Property Development |
| ¹ Extension of time agreed with applicant until 10 th June 2022 | | | | |

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/00648/FULD>

Recommendation Summary: Refusal

Ward Member(s): Cllr Andy Moore, Cllr Marther Vickers

Reason for Committee Determination: Member call in

Committee Site Visit: 06.06.2022

Contact Officer Details

Name: Cheyanne Kirby
Job Title: Planning Officer
Tel No: 01635 519489
Email: Cheyanne.kirby@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for demolition of existing dwelling and erection of four dwellings.
- 1.2 The site lies within the defined settlement boundary of Newbury. Russell Road is a residential road comprising of predominately terraced dwellings. The dwellings have a homogeneous style, consistent spacing and shared palette of materials, the dwellings are set close to the road with rectangular garden amenity space to the rear. The application site is a corner plot with an existing detached bungalow, to the north of the site is a large apartment building separated from the application site by car parking.
- 1.3 The application is a resubmission of 21/02424/FULD which was refused and is currently at appeal. The current application submitted further highways information.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

| Application | Proposal | Decision / Date |
|---------------|----------------------------------------------------------------|--------------------------|
| 89/34599/ADD | Erection of brick screen wall to russell road | Approved / 12.05.1989 |
| 21/02424/FULD | Demolition of existing dwelling and erection of four dwellings | Refused / 17.12.2021 |

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 25th February at the site; the deadline for representations expired on 18th March 2022.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

| | |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Newbury Town Council: | No Objection |
| WBC Highways: | Objection – Does not comply with Policy P1 of the HSA DPD due to shortfall of parking spaces; this would exacerbate the likelihood of increased on-street parking which would be to the detriment of local highway safety. |
| SUDS: | No Response |
| Waste Management: | No Response |
| Canal and River Trust: | No Comment |
| Environment Agency: | No Response |
| Trees: | Conditional Approval |
| Ecology | No Response |
| Natural England: | No Comment |
| Public Protection: | Conditional Approval |

Public representations

- 4.2 Representations have been received from 18 contributors, 12 of which object to the proposal and 6 of which support the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Objection
 - Overdevelopment
 - Increase vehicle movements
 - Parking impacts
 - Construction/demolition impacts – traffic, safety, pollution and noise
 - Out of character with local area
 - Elderly residents nearby which use mobility scooters on footpath which is regularly blocked, carers visits add to traffic movements in the area.
 - Support

- Design in keeping with character of local area
- 2 parking spaces is ample
- Sustainable location
- Family dwellings encouraged over flats

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)
- House Extensions SPG (2004)
- Cycle as Motorcycle Advice and Standards for New Development (2014)
- Newbury Town Design Statement July (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Character and Appearance
- Neighbouring Amenity
- Highways Matters
- Flooding and Drainage
- Ecology

Principle of Development

6.2 The application site is located within the defined settlement boundary of Newbury. In accordance with Core Strategy Area Delivery Plan Policy 1 (ADDP1) and the principle guidance in the National Planning Policy Framework (NPPF) new residential development will be directed to the most sustainable locations and with preference on brownfield sites. The site is not classified as brownfield land, according to the NPPF's definition of previously developed land, however the general principle of development is acceptable, as the site is within the settlement boundary, though its impact upon the character of the area, impact on highway safety and access, and neighbouring amenity needs to be carefully accessed.

- 6.3 The previous application 21/02424/FULD was refused on grounds of overdevelopment/impact on character of area, inadequate residential garden amenity and inadequate residential parking; this application is currently at appeal. Whilst the current application is the same as the previously refused application further highways information has been submitted.

Character and Appearance

- 6.4 Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are also relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development should contribute positively to local distinctiveness and sense of place. Development proposals would be expected to make efficient use of land whilst respecting the density, character and landscape of the surrounding area (amongst other considerations). Policy CS19 outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.5 Development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character. It should also have regard to 'Quality Design' – West Berkshire Supplementary Planning Document and other local guidance documents.
- 6.6 Supplementary Planning Document Series: Quality Design (SPDQD) Part 2 offers guidance on how to preserve residential character by emphasising that respecting the physical massing of an existing residential area is a critical part of protecting residential character.
- 6.7 Three of the proposed dwellings would have a garden amenity of around 30sqm which is well below the garden amenity standards set out in the SPDQD Part 2 states that 3 bedroom dwellings should have a garden amenity space of 100sqm, one of the dwellings would have a garden amenity of around 75sqm which is below the standards set out in the SPDQD Part 2 however is similar to that of the local area.
- 6.8 During the coronavirus pandemic lockdown it was highlighted that outdoor amenity space is a key part of physical and mental wellbeing. Therefore the current low quality amenity space is not considered to be acceptable.
- 6.9 Policy CS14 of the West Berkshire Core Strategy seeks high quality design to ensure development respects the character and appearance of the area and has a positive contribution to the quality of life. The proposed dwellings and associated parking would appear cramped within the development site and as an overdevelopment of the plot. Inadequate number of parking spaces have been provided leading to an objection from the highways officer due to a lack of off road parking leading to majority of residents having to park on the road. The two additional off road parking spaces would lead to further loss of amenity space which is already a concern as it is below the standards set out. Overall the lack of adequate amenity space and parking leads to a cramped overdeveloped layout which would have a negative impact on the character and appearance of the area.

- 6.10 Whilst the development would take influence from the existing street scene the number of dwellings proposed along with the sub-standard car parking provision and garden amenity level would all lead to a visually and physically overdeveloped and cramped site and as such would not be an appropriate.
- 6.11 The proposed development is contrary to policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, the Supplementary Planning Document: Quality Design 2006, and the National Planning Policy Framework.

Neighbouring Amenity

- 6.12 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. Advice on assessing the impact of the proposal on the living conditions of adjoining occupiers is contained within the Quality Design SPD, which also references the House Extensions SPG. Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.
- 6.13 The proposed dwellings will be a row of 4 terraced dwellings detached from the existing terraced dwellings located to the east of the application site. There is a neighbouring dwelling located to the eastern boundary (59 Russell Road), the proposed dwellings will be located in line with the existing terraced dwellings.
- 6.14 The proposed dwellings will be a row of 4 terraced dwellings detached from the existing terraced dwellings located to the east of the application site. There is a neighbouring dwelling located to the eastern boundary (59 Russell Road), the proposed dwellings will be located in line with the existing terraced dwellings therefore the impact on 59 Russell Road will be similar to that of existing terraced dwellings which also have north facing windows. Given the existing relationship and the likelihood that there will be additional windows to the ground floor habitable rooms and the existing boundary treatment at the site; it is considered that on balance there will not be a significant impact on neighbouring amenity in terms of loss of daylight and overbearing.
- 6.15 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire. The proposal will on balance not cause a significant loss of daylight to the neighbouring dwelling which and is therefore considered to be in accordance with the NPPF, Policy CS14 of the West Berkshire Core Strategy, Quality Design SPD and the House Extensions SPG.

Highways Matters

- 6.16 Policy CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to access, parking and turning and highways impacts of development. Policy P1 of the Housing Site Allocations DPD sets out relevant parking standards. The NPPF indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.17 During the previous application the Council's Highways Officer was consulted and raised an objection to the application as the application site is located within Zone 2 of the Policy P1 Residential Parking Standards for New Development. Each 3-bed house within Zone 2 must be provided with a minimum of 2.5 off road car parking spaces. A minimum of 10 car parking spaces are required for this development; 8 are proposed.
- 6.18 No objection was raised, regarding the proposed access or regarding traffic levels. The issue previously and continues to be that the proposal does not comply with the Council's parking standards set out in Policy P1 of the Housing Site Allocations DPD.

- 6.19 The site is located within zone 2, and therefore requires 2.5 car parking spaces each. This is rounded to 3.0, if car parking is provided individually per dwelling as per the plans. Only 2.0 car parking spaces each have been provided. Therefore the proposal has a shortfall in car parking of 2.0 to 4.0 spaces.
- 6.20 The transport note suggests that the site proposal should be considered as an “exception” because it is accessible and is sustainable. It then discusses the current level of existing car ownership in this location from 2011 census data. However all of this was considered during the development of Policy P1 during 2015/16, along with car parking surveys that were undertaken across the district. All of this informed the level of parking standards, and the boundaries to the three different zones of car parking provision outlines above.
- 6.21 The application does not provide justification that would render this site exceptional beyond the sustainability and access criteria of other sites within Newbury parking zone 2. The Housing Site Allocations DPD including Policy P1 was considered at public inquiry during 2016, and was all found to be sound and fully adopted in May 2017.
- 6.22 It is the highways officers’ view, a robust and well researched set of standards that will be defended, especially considering the location. According to the Councils Principal Parking Officer, Ian Martinez “Parking in this area is in very high demand, especially in the evening. It is common for there to not be a single available space on the whole length of Russell Road”. This is supported by a number of site visits undertaken by the highways team, and by planning officers, with a number of photographs, showing heavily parked streets. Further photographs have also been submitted by some objectors. In addition, the above it is supported by the applicants own transport note which revealed that the on street car parking in the vicinity was utilised up to 105% excluding permit holders during a Thursday evening.
- 6.23 From the above, the highway officer rejects the claim that this proposal should be considered as an “exception” with regards to car parking provision. There is also much evidence on how congested this location is with regards to on street car parking. It is therefore considered essential by the Local highway Authority that the proposal complies with the Councils car parking standards. :
- 6.24 In consideration of these concerns the highways officer has recommended that the application is refused on the following grounds: That the proposal contains 8 parking spaces on site for the four 3 bed dwellings, which equates to a shortfall of 2 to 4 spaces as required under Policy P1 of the Housing Site Allocations DPD 2006- 2026. This shortfall would exacerbate the likelihood of increased on-street parking in the vicinity of the application site to the detriment of local highway safety.
- 6.25 It is therefore considered that the proposal would have a detrimental impact on highways safety and is not in compliance with the advice contained within the NPPF, and Planning Policy CS13 of the West Berkshire Core Strategy (2006 – 2026) and Policy P1 of the West Berkshire HSA DPD (2006-2026).

Flooding and Drainage

- 6.26 Policy CS16 requires that on all development sites surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods, to provide attenuation to greenfield run-off rates and volumes, and to provide other benefits where possible, such as water quality, biodiversity and amenity. The Sustainable Drainage Systems SPD, sets out further advice on suitable drainage systems, and the level of information which is required. The application site north eastern corner is located within flood zones 2 and 3 however no development is proposed to this corner of the site other than garden amenity space. The Council's drainage officer did not respond

however a drainage strategy has been provided and can be secured through appropriate condition, so that the development can accord with policy CS16.

Ecology

- 6.27 Policy CS17 says that biodiversity and geodiversity assets across the District will be conserved and enhanced. The application was submitted with an ecological impact assessment which indicated potential impacts and mitigation measures. The report suggested ecological enhancements which could be incorporated into the development to provide biodiversity enhancements; these can all be secured through appropriate conditions, so that the development can accord with policy CS17.

7. Planning Balance and Conclusion

- 7.1 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 7.2 The proposal makes a contribution to wider economic roles of planning by providing additional mixture of housing development and construction of dwellings within the local area provide short and long term economic benefits.
- 7.3 Social roles however whilst providing additional housing the impact on lack of residential garden amenity for future occupiers and negative impact on highway safety are significant concerns which carry significant weight and lead to a negative impact on the character of the area and the social impact of future occupiers therefore would provide social benefits.
- 7.4 With regard to the environmental role contributing to protecting and enhancing our natural, built and historic environment is fundamental. The impact on the character and appearance of the surrounding area has been assessed as part of this application, and it is considered that the proposal would respect the prevailing pattern of development in terms of overall design however the cramped appearance of the site as well as increased number of cars and hardstanding would have a negative impact on the character and appearance of the area. Whilst there will be some biodiversity net gain measures this is not considered to outweigh the overall concerns therefore there will not be environmental benefits.
- 7.5 For the above reasons it is considered that the proposed development is not supported by the presumption in favour of sustainable development.
- 7.6 For the reasons given above it is considered that the proposal does not accord with the criteria of the National Planning Policy Framework and Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies C1 and P1 of the West Berkshire HSA DPD (2006-2006), Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan (1991-2006) Saved Policies (2007), Quality Design Supplementary Planning Document (2006), and the House Extensions Supplementary Planning Guidance (2004) and is therefore recommended for REFUSAL.

8. Full Recommendation

- 8.1 To delegate to the Service Director – Development and Regulation to REFUSE PLANNING PERMISSION subject to the reasons listed below.

Refusal Reasons

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| 1. | <p>Overdevelopment</p> <p>Policy CS14 of the West Berkshire Core Strategy seeks high quality design to ensure development respects the character and appearance of the area and has a positive contribution to the quality of life. The proposed dwellings and associated parking would appear cramped within the development site and as an overdevelopment of the plot. Whilst the development would take influence from the existing street scene the number of dwellings proposed along with the sub-standard car parking provision and garden amenity level would all lead to a visually and physically overdeveloped and cramped site and as such would not be an appropriate. The proposed development is contrary to policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, the Supplementary Planning Document: Quality Design 2006, and the National Planning Policy Framework.</p> |
| 2. | <p>Garden Amenity</p> <p>According to the National Planning Policy Framework, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Planning decisions should ensure that developments will (amongst others) function well and add to the overall quality of the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. According to Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions.</p> <p>Part 2 of the Council's adopted Quality Design Supplementary Planning Document series provides minimum size guidelines for residential development, with 100 square metres being the minimum size for the size of dwellings proposed. The division of the plot to create four dwellings will result in four substandard rear gardens, significantly below the minimum policy expectation. Having regard to the local design standards set out in the adopted SPD, the proposed development fails to achieve a high standard of design in terms of providing adequate private outdoor amenity space for occupants of both the new and retained dwellings. The application is therefore contrary to the NPPF, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Part 2 of the Council's adopted Quality Design SPD.</p> |
| 3 | <p>Parking</p> <p>The proposal contains 8 parking spaces on site for the four 3 bed dwellings, which equates to a shortfall of 2 to 4 spaces as required under policy P1 of the Housing Site Allocations DPD 2006-2026. This shortfall would exacerbate the likelihood of increased on-street parking in the vicinity of the application site to the detriment of local highway safety. The proposed works therefore fail to comply with the requirements of the National Planning Policy Framework and Policy P1 of the West Berkshire Housing Site Allocations Development Plan Document (2006-2026) 2017.</p> |

Informatives

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| 1. | <p>Proactive Refusal</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance</p> |
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| | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area. |
| 2. | <p>CIL Refused</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p> |

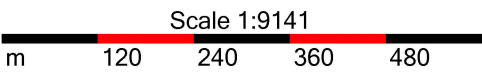


Map Centre Coordinates :

Scale : 1:9141

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|--------------|------------------------|
| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 25 May 2022 |
| SLA Number | 0100024151 |

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