

# 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, 18 JANUARY 2023

**Councillors Present:** Clive Hooker (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Jeff Beck, Dennis Benneyworth, Jeff Cant, Carlyne Culver, Andy Moore (in place of Phil Barnett) and Howard Woollaston

**Also Present:** Paul Goddard (Team Leader - Highways Development Control), Kim Maher (Solicitor), Simon Till (Team Leader – Development Control), Jack Karimi (Democratic Services Officer) and Lizzie Reeves (Business Analyst (Digital Services))

**Apologies for inability to attend the meeting:** Councillor Phil Barnett

#### PART I

#### 21. Minutes

The Minutes of the meeting held on 23 November 2022 were approved as a true and correct record.

#### 22. Declarations of Interest

Councillors Jeff Beck, Andy Moore and Tony Vickers declared an interest in Agenda Item 4(2), but reported that, as their interest was a personal or other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### 23. Schedule of Planning Applications

##### (1) Application No. and Parish: 22/02269/LBC2, 15 Bridge Street, Hungerford, RG17 0EG

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/02269/LBC2 in respect an application for Listed Building Consent at 15 Bridge Street, Hungerford, RG17 0EG.
2. Mr Simon Till, Team Leader – Development Control, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to grant Listed Building Consent, subject to the conditions outlined in the main report.
3. The Chairman asked Mr Paul Goddard, Highways, if he had any observations relating to the application. Mr Goddard did not have any observations.

##### Ward Member Representation

4. Councillor Claire Rowles in addressing the Committee raised the following points:

## **WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES**

- The application was for retrospective consent, which should not be how planning matters were dealt with by West Berkshire Council.
  - Councillor Rowles noted that she had advised Hungerford Town Council that she would speak on their behalf, and that they were watching the application with interest.
  - Two planning applications had been refused on the site, in 1985 and 2022, seeking to create another separate flat. The applicant then sought a Certificate of Lawfulness for using part of the first floor as a flat. The applicant appeared to have ignored the need to seek planning permission, which was required, instead seeking to remedy the use of the first floor through retrospective consent. If the Committee approved the Officer's recommendations it would be encouraging to other residents to ignore the planning process.
  - The application before the Committee was to approve the filling in of the entrance to the wing of the flat, and to install a door. It was clear at the site visit that to properly consider the Listed Building Consent application the Committee would have to consider all aspects of planning, including the Certificate of Lawfulness. No Listed Building Consent had been sought for the stairs or other internal changes.
  - It was unclear why Planning Officers had approved the Certificate of Lawfulness the day before the Committee meeting, when the application was linked to the application before the Committee.
  - Councillor Rowles concluded that there was a clear, calculated effort by the applicant to ultimately achieve planning permission in stages.
5. Councillor James Cole in addressing the Committee raised the following points:
- Councillor Cole noted that Hungerford Town Council had accepted that there was evidence that the door previously existed, and as a result, it could not be contested. However, the justification for the application was that Council Tax had been paid on the previously unapproved flat.
  - Councillor Cole noted that the Ward Members' aim was for the Committee to defer the application until all of the applications relating to the site could be considered. However, the actions of the Planning Officers in issuing the Certificate of Lawfulness had forced the Committee's hand.
  - As Heritage Champion, Councillor Cole questioned the point of Listed Building Consent if applicants were encouraged to ignore it. Councillor Cole additionally questioned how the Council could collect Council tax on a property it was unaware of and did not approve.
  - Councillor Cole noted that he was not criticising the Planning Officers, and noted that it was a mix of management and policy issues which had caused the issues.

### **Member Questions to the Ward Member**

6. Councillor Adrian Abbs asked if the Ward Members had seen evidence which proved the previous existence of the door. Councillor Cole responded that he had only seen the plans, which contained a cut-out from 1985 which showed that a door was previously situated there. Councillor Rowles noted that she had raised the same concern. Councillor Cole responded that he had looked through the paperwork in consultation with Hungerford Town Council. Councillor Abbs responded that he had not seen the plans in the pack, and asked for confirmation that there was evidence. Councillor Cole confirmed that he had seen the evidence.

## **WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES**

7. Councillor Tony Vickers noted that the impact of internal alterations within the listed building was not present in the pack. Councillor Cole responded that the Committee was not permitted to talk about it as it was not relevant. Councillor Vickers asked whether the main concern of the Ward Members was that there had been an irregular process. Councillor Cole responded that the Town Council was unhappy with the process, and they were concerned with regard to the Certificate of Lawfulness along with the insistence that the Committee consider the application alone. Councillor Cole reiterated that the issue would not be raised if Hungerford Town Council had been properly consulted.
8. The Chairman observed that at the meeting of the Hungerford Town Council and at the site meeting the agent stated that a Certificate of Lawfulness had been issued, and so it had not been slipped in.
9. Councillor Jeff Cant asked whether the Ward Members' main objection was the retrospective manner of the application. Councillor Rowles confirmed that it was, but stated that was one element. Councillor Cole stated that there were other issues with the flat, but they were not relevant to the current application. Councillor Rowles added that there were a number of listed buildings in Hungerford which would be at risk if retrospective planning applications became the norm.
10. Councillor Abbs asked whether the main concern was the precedent the retrospective planning application could set. Councillor Cole responded that he would much rather there be proper consultation with Hungerford Town Council. Councillor Rowles confirmed that it was, and that it was particularly pertinent to Hungerford.

### **Member Questions to Officers**

11. Councillor Abbs asked why the Committee had not been shown the evidence that the door had existed in 1985. Mr Simon Till responded that the evidence came from the Council's own planning records, rather than the applicant. Mr Till noted that the Conservation Officer had assessed the application and the planning records and raised no objection. Councillor Abbs stated that it would have been better for the Committee to have been shown the evidence directly. Mr Till described the record from 1985 and stated that it was his error.
12. Councillor Vickers asked why the Planning Officers could not ask the applicants to make a more comprehensive application. Mr Till responded that the local planning authority was required to consider an application as put in front of it, and the format was the choice of the applicant. The local planning authority could not delay an application on the basis that other applications might be forthcoming. The Chairman added that the local planning authority additionally could not advise an applicant on the format by which they should submit it.
13. Councillor Carolyne Culver asked what the implications would be if the Committee refused the application, as it was retrospective. Mr Till responded that an appeal would be the most likely implication. Mr Till additionally noted that the local authority could not take punitive action on an application for the manner it had been submitted.
14. Councillor Abbs asked for confirmation that the renovations set out in the refused application had not been done by the applicant regardless. Mr Till responded that the works within the Certificate of Lawfulness application were works that were done around 2005 in order to carry out conversion works, with evidence of letting provided. Mr Till could not comment on any other works as he did not have further detail, and it was not relevant to the current applicant. Councillor Abbs pointed out that there was evidence of further works in the pack.

## WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES

15. The Chairman asked whether the fact that the Council was collecting Council Tax on a property it did not permit was an issue. Mr Till responded that the local planning authority and the Council Tax administrator were separate and there was a separate statutory regime that made cross-informing difficult. Councillor Abbs noted that he would have liked to have seen evidence of when Council Tax had begun to be paid.

### Debate

16. Councillor Dennis Benneyworth opened the debate by noting that he had called in the application to defend the interests of Hungerford Town Council, and noted that he took the heritage of Hungerford very seriously. Councillor Benneyworth stated that Councillor Cole was correct that the Committee could not defer the application, and therefore there was nothing they could do other than discuss it. Councillor Benneyworth noted that the information Hungerford Town Council had received was slim and the Design and Access Statement was extremely brief. However, Councillor Benneyworth did not feel that he had a choice but to accept Officers' recommendation.
17. Councillor Abbs stated that he would be voting to reject Officer's recommendation as there was no evidence presented to the Committee to prove the pre-existence of a door. Councillor Abbs believed that it would set a precedent for further works with retrospective permission. The Chairman stated that Councillor Abbs' statement was supposition.
18. Councillor Jeff Cant stated that the door looked fine and the officers had raised no issues with the application. Councillor Cant accepted that the manner in which the application had been made was irritating, but that was no grounds to refuse planning permission. Councillor Cant stated that he would propose to accept the Officer's recommendation.
19. Councillor Beck stated that he would be seconding.
20. Councillor Vickers stated that he saw no harm in what he saw on the site visit, and accepted the Conservation Officer's findings. Councillor Vickers stated that the only damage was to the due process of the Council, and that he was unhappy that it had come forward as an incomplete Listed Building Consent application, but would be voting in favour of Officer's recommendation.
21. Councillor Howard Woollaston asked whether it was possible to note the Council's disapproval with the manner in which the application had been submitted. The Chairman responded that the Council could not, but the issues had been minuted and officers had heard the issues raised.
22. Councillor Jeff Cant proposed to accept Officer's recommendation and grant Listed Building Consent subject to the conditions listed in the main report. This was seconded by Councillor Jeff Beck.
23. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Beck to grant Listed Building Consent. At the vote the motion was carried.

**RESOLVED** that the Service Director for Development and Regulation be authorised to grant Listed Building Consent subject to the following conditions:

### Condition

1.	<b>Approved plans</b> The development hereby permitted shall be retained in accordance with the approved plans and documents listed below:
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## WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES

<p>Design and Access Statement received on 12<sup>th</sup> October 2022; Existing Elevation Drawing received on 12<sup>th</sup> October 2022; and Location Plan received on 15<sup>th</sup> September 2022.</p>
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<p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
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### (2) **Application No. and Parish: 22/01784/FULD, Newbury House, 237 and 235 Andover Road, Newbury, West Berkshire, RG14 6NG**

*Councillors Jeff Beck, Andy Moore and Tony Vickers declared an interest in Agenda Item 4(2) by virtue of the fact that they were Members of the Planning and Highways Committee of Newbury Town Council which had considered the application, but reported that, as their interest was a personal or other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillor Adrian Abbs declared that he had been lobbied on Agenda Item 4(2), and that it was situated within his ward.*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/01784/FULD in respect of the proposed demolition of existing 2 bedroom bungalow (no. 235 Andover Road) along with existing garage, and erection of 2 No. dwellings, external alterations to Newbury House and associated landscaping at 237 and 235 Andover Road, Newbury, West Berkshire, RG14 6NG.
2. Mr Simon Till, Team Leader – Development Control, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Highways, if he had any observations relating to the application. Mr Goddard stated that there was a Highways section within the main report, but noted that a number of changes had occurred. Mr Goddard noted that the two new houses would generate eight vehicle movements each per day, with the flats generating an additional four in total. As it was situated on an A road, Mr Goddard considered this negligible. Mr Goddard noted that the access had been widened to allow fire service access, while he was not convinced they could turn in easily fronting the new dwellings, the statutory requirement was only that the fire service could get within 45 metres, which was achievable. Mr Goddard noted that there were 22 car parking spaces recommended, of which the application set out 21, which was not enough to raise an objection, but Mr Goddard hoped to work with the applicant to rectify this matter, and recommended amending Condition 9 to require further information. In conclusion, Highways did not object to the proposed application.
4. In accordance with the Council's Constitution, Nigel Foot, Newbury Town Council representative, Martyn Rees, objector, and Luke Challenger and Ian Blake, applicant/agent, addressed the Committee on this application.

#### **Town Council Representation**

5. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:

## **WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES**

- Mr Foot noted that the application had come before Newbury Town Council on two occasions. Newbury Town Council objected to the first due to concerns about traffic on Dormer Close, and the properties on the south of the site and their impact on access. The properties on the south of the site were not present on the second application with access now on to Andover Road, and so Newbury Town Council raised no objection.
- Mr Foot noted that the resident living at 12 Dormer Close pointed out that there was an underground water tank near Newbury House, and concerns had been raised that nothing had been done about the tank, which could have an impact on nearby properties if it became a sinkhole. Mr Foot recommended that a condition be made requiring a land survey.

### **Member Questions to the Town Council**

6. The Chairman noted that the underground water tank had been raised but was considered to be a civil matter between the owners of the land concerned, and a matter of surveying the land, but it was not a planning matter. Mr Simon Till concurred.

### **Objector Representation**

7. Mr Martyn Rees in addressing the Committee raised the following points:
  - Mr Rees noted that he was raising objections on behalf of himself and his wife, Ms Jacqui Fidler, and Mr Malcolm and Mrs Laura Curtis.
  - Mr and Mrs Curtis were concerned about the possible damage to the underground water tank, below the wall separating their property from the adjacent allotment. The tank had been in use since 1985, was 4 metres wide, and was vulnerable to fracture from heavy vehicles.
  - Mr Rees and his wife were concerned at the loss of amenities for the residents of Newbury House from the redevelopment of the allotment, which had been in use from the 1950s to the early 2000s.
  - Additionally, they considered that there was an environmental loss in the development of the allotment, as it was a home for birds, bats and foxes. It was one of the Government's aims to build garden communities, and allotments were mentioned in Paragraph 91 of the NPPF as having a role in protecting healthy lifestyles, and were protected by the Allotment Act 1925.

### **Member Questions to the Objector**

8. Councillor Adrian Abbs asked how far into the 2000s the allotments had been used. Mr Rees responded that his wife had been in contact with a woman who had used it until 2004.

### **Agent Representation**

9. Mr Luke Challenger, Black Box Planning, and Mr Ian Blake, iB Architects, in addressing the Committee raised the following points:
  - Mr Challenger noted that the application had been subject to negotiation with officers and revisions to ensure that it was acceptable. The original application sought permission for four new dwellings.
  - Mr Challenger noted that the applicant was Sovereign Housing Association and that the funds from selling the dwellings would pay for internal and external

## **WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES**

renovations of Newbury House. There was additionally an amenity plan to provide enhancements to their amenities.

- The applicants were working on further tree protection measures for approval by officers.

### **Member Questions to the Agent**

10. Councillor Tony Vickers asked what the applicant's intentions were in retaining the properties as social housing. Mr Challenger responded that the applicant, Sovereign Housing Association, would rent out those units. Councillor Vickers asked whether the applicant would be content with a condition to that effect. Mr Challenger responded that the planned scheme had been negotiated with Planning Officers.
11. Councillor Abbs asked where the outlines of the sold properties would be. Mr Challenger responded that the planning application was set out so the parking spaces would be accessible. Councillor Abbs asked how the EV charging points would work. Mr Challenger responded that those would be for the houses. Councillor Abbs noted that there were solar panels on the roof, but solar gain had not been considered, and asked whether thought had been put into maximisation. Mr Blake responded that they had to look at the layout of the site, but it had been considered.
12. Councillor Jeff Beck noted that the planning application did not mention solar panels for Newbury House. Mr Blake responded that there were photovoltaic cells for each house, but not with Newbury House itself.
13. Councillor Dennis Benneyworth asked what would be done to add the additional parking space. Mr Blake responded that there was space for an additional parking space and it could be added.
14. Councillor Carlyne Culver asked whether there would be sufficient space within the flats for two bedrooms. Mr Blake responded that there would be sufficient space.
15. The Chairman asked for an overview of what would happen to the outside of the house when it was renovated. Mr Blake responded that the fabric of the building would be looked at, but it would be painted and have windows replaced, as well as insulation.
16. Councillor Abbs asked whether more complex renovation would require additional planning permission. Mr Blake stated that it would if they concluded that more complex renovation was necessary.

### **Ward Member Representation**

17. Councillor David Marsh in addressing the Committee raised the following points:
  - Councillor Marsh noted that the application was far better than the original application, and credited this to the case manager and Sovereign Housing Association. Councillor Marsh noted that a lot of work had been done to address the concerns of residents, such as moving some of the proposed properties to the west.
  - Councillor Marsh noted that he was concerned about the size of the gap between the two houses, and asked the Committee to look closely at that.
  - Councillor Marsh noted that he was concerned that the underground water tank was not considered to be a planning matter, as it could be disturbed and was important to residents, and that it was unreasonable to expect them to take legal action to protect it.

## **WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES**

- Councillor Marsh noted that he did not think Sovereign Housing Association came out well from the process, as Newbury House was shown to be in a state of disrepair and residents had to be rehoused in some cases.
- Councillor Marsh expressed scepticism that the development would improve biodiversity as the field was already full of wildlife.
- Councillor Marsh expressed surprise that there were no EV charging points for residents in flats.
- Councillor Marsh suggested that those that had been forced to move out of Newbury House should be allowed to be given first refusal to move back in once the renovations had completed.

### **Member Questions to the Ward Member**

18. Members did not have any questions of clarification.

### **Member Questions to Officers**

19. Councillor Culver asked whether it was possible for electric vehicle charging points to be made as a condition. Mr Till responded that the Committee had to consider whether conditions were reasonable and necessary. In this case, the policy does not set out that EV charging points were necessary to be provided to existing dwellings, and so a condition would go beyond what was considered reasonable and necessary. Mr Goddard noted that Condition 7 required information regarding EV charging points to be submitted, and that he would like to see them installed.
20. Councillor Culver asked whether there had been a Cumulative Impact Study done for drainage. Mr Till responded that drainage engineers had been consulted, which was the best that the Council could do regarding drainage.
21. Councillor Culver noted that the new Local Plan policies, although consultation was ongoing, still held weight. Mr Till responded that the Regulation 19 consultation began on Friday, and so advice from policy officers was that the weight of the draft policies were extremely limited, as they had not yet been consulted on or examined by the Planning Inspectorate.
22. Councillor Culver asked what the Ecologist had concluded in their report regarding the biodiversity of the site. Mr Till responded that the findings of the Ecology Survey were confidential and would have to be discussed under Part II, and no documentation had been prepared. Mr Till did however state that the Ecologist had raised no objection. Councillor Culver expressed surprise that it would be necessary to have a Part II discussion over biodiversity, and suggested that it be done in future.
23. Councillor Vickers noted that biodiversity net gain was not confidential, and suggested that there be some nod towards Regulation 19 policy on it. Mr Till referred Councillor Vickers to the Ecologist's response, but could not go further due to confidentiality. Councillor Vickers noted that biodiversity net gain was not mentioned in the Conditions, and asked whether that could be included. Mr Till responded that the Condition was that the Ecological Survey be adhered to, and the Ecologist was satisfied on that basis.
24. Councillor Vickers asked whether social housing could be set as a condition, and noted that it was a valuable resource. Mr Till reminded the Committee that they were being asked to consider the current application, which did not include further social housing provisions. Councillor Vickers asked what the Council could do if the applicant later decided to sell the social housing. Mr Till responded that in the case of some developments those would be secured by Section 106 agreements.



## **WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES**

25. Councillor Beck noted that one of the proposed new dwellings could be fitted with additional car parking spaces, and asked who would enforce that. Mr Goddard responded that both Planning and Highways would enforce it.
26. Councillor Andy Moore noted that the application online stated that there would be four additional dwellings, and asked for confirmation that there were two. Mr Till responded that the application had been resubmitted and the most important thing was the improved plans. Councillor Moore noted that the amended application had very few objections, and suggested that the Committee might not have needed to determine the application. The Chairman noted that a number of objections had been satisfied.
27. Councillor Abbs asked how many parking spaces were required per dwelling. Mr Goddard responded that it was 2.5.
28. Councillor Benneyworth asked for clarification that further development would require an additional application. Mr Till responded that it would.
29. Councillor Beck asked why there would not be solar panels on Newbury House. Mr Till responded that as Newbury House was an existing site it could not be imposed as an additional condition, and as it was a heritage site the addition of solar panels to the application would be difficult. Councillor Beck asked whether it could be added as a condition. Mr Till suggested that it went beyond the scope of the works which had been applied for.
30. The Chairman asked whether the road access required a right of way, or whether it went into the issue of private access. Mr Goddard responded that it was a civil matter.

### **Debate**

31. Councillor Vickers opened the debate, and stated that he considered the work to be long overdue. However, Councillor Vickers noted that it was a valuable social housing resource, and suggested the addition of a condition requiring a Section 106 agreement regarding the social housing contribution. Councillor Vickers additionally suggested a condition on biodiversity, and expressed surprise that it was not mentioned in the conditions.
32. Councillor Abbs noted that the anomaly he saw was that Sovereign Housing Association were required to build housing to provide social housing, and he was unsure how that requirement had arisen or how it could be strengthened. Councillor Abbs noted that the situation regarding the allotment was also unresolved. However, Councillor Abbs regarded that he would vote for Officer's recommendations conditional on the issue of parking being resolved.
33. The Chairman asked what a condition on biodiversity would look like. Councillor Cant stated that the condition should state that the applicant follows the recommendations of the Ecologist.
34. The Chairman additionally noted that the underground water tank was an issue, but that it was a civil matter. Councillor Beck stated that the issues were that the tank was substantial, and the residents had a right to use it, but expressed that it should be incorporated into the application somewhere. The Chairman questioned how it could be worked on as a civil matter.
35. Councillor Howard Woollaston 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.

## WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES

36. The Chairman set out that the additional conditions were on biodiversity net gain, a Section 106 agreement on social housing, and parking spaces.
37. Mr Till reminded the Committee that Section 106 agreements should be used to mitigate the impacts of developments, and that the application was merely a renovation and upgrading, and so there was little within the policy that captured the need. Councillor Vickers agreed, and withdrew the request for a condition.
38. Councillor Vickers requested that the Ward Members were able to see the confidential Ecologist's report. Mr Till suggested that a condition be set that prior to commencement of any work, details would be provided to demonstrate that the development would achieve the 10% biodiversity net gain.
39. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Cant to grant planning permission. At the vote the motion was carried unanimously.

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

### Conditions

1.	<p><b>Time Limit for commencement</b></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><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <p>received 25 July 2022</p> <ul style="list-style-type: none"><li>• Archaeological desk based assessment</li><li>• proposed floor plans</li><li>• proposed Newbury House Elevations</li><li>• proposed bin and bike store</li></ul> <p>received 12 August 2022</p> <ul style="list-style-type: none"><li>• Amended Andover Road wall entrance</li></ul> <p>received 19 August 2022</p> <ul style="list-style-type: none"><li>• Tree Constraint plan</li></ul> <p>received 20 October 2022</p>

## WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES

	<ul style="list-style-type: none"><li>• Amended heritage statement</li><li>• Amended Transport Note</li><li>• Ecological impact assessment</li><li>• Amended proposed site plan</li><li>• Amended proposed units 11 and 12</li><li>• Amended proposed site sections</li><li>• Amended design and access statement</li><li>• Amended block plan</li></ul> <p>received 25 October 2022</p> <ul style="list-style-type: none"><li>• Amended Arboricultural report</li></ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>External Materials</b></p> <p>Prior to above foundation level works commencing, details of external facing materials and any hard surfacing for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity 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 the Quality Design SPD (June 2006).</p>
4	<p><b>Updated Ecological Appraisal</b></p> <p>In the event that development has not commenced 3 years from the date of this permission, no development shall take place until an updated Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.</p> <p>Reason: If the development has not been commenced by March 2025 the ecological appraisal should be updated. This is because the latest ecology assessment report by Abricon Ltd was dated March 2022 and many of the species considered during the current survey are highly mobile and the ecology of the site is likely to change over this period. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
5	<p><b>Ecological reports</b></p>

## WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES

	<p>The development hereby approved shall be implemented fully in accordance with the Amended Ecological Impact Assessment issued March 2022 produced by Abricon Ltd received on 20 October 2022 and thereafter all recommendations shall be retained.</p> <p>Reason: To ensure the protection of species which are subject to statutory protection. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
6	<p><b>Sustainable Drainage Measures</b></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>The sustainable drainage measures shall include drainage calculations and details of an acceptable SuDS design and maintenance plan.</p> <ul style="list-style-type: none"><li>• The Local Lead Flood Authority would encourage the applicant to incorporate additional features, with particular emphasis on Green SuDS and water re-use (such as rainwater butts, rain gardens and tree pits) 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.</li><li>• The details shall also consider the management of waste water drainage and if any surface and waste water drainage is proposed to be connected to the Thames Water system, then the developer shall contact Thames Water to establish whether there is capacity on the network and whether there needs to be any additional infrastructure upgrade.</li><li>• As a discharge of condition application, the developer shall submit confirmation in writing from Thames Water on the capacity of the network and the acceptability of connection to the network.</li></ul> <p>Reason: To ensure that surface water and waste water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, amenity and ensure future maintenance of any proposed 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, Policies CS5, CS16 and CS17 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (2018).</p>
7	<p><b>Electric Charging Point</b></p> <p>No dwelling or flats shall be occupied until the full details of electric vehicle charging points for each dwelling and for the flats have been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall thereafter be retained and kept available for the use of electric vehicles.</p>

## WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES

	<p>Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
8	<p><b>Construction method statement (Highways)</b></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"> <li>(a) The parking of vehicles of site operatives and visitors</li> <li>(b) Loading and unloading of plant and materials</li> <li>(c) Storage of plant and materials used in constructing the development</li> <li>(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing</li> <li>(e) Wheel washing facilities</li> <li>(f) Measures to control the emission of dust and dirt during construction</li> <li>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>(h) A site set-up plan during the works</li> </ul> <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), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
9	<p><b>Parking in accordance with plans</b></p> <p>The dwellings shall not be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking spaces shall thereafter be kept available for parking (of private motor cars and 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) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
10	<p><b>Cycle parking</b></p> <p>The dwellings shall not be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in</p>

## WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES

	<p>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>
11	<p><b>Hours of work (demolition and construction)</b></p> <p>No demolition and construction works shall take place outside the following hours:</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>
12	<p><b>Tree Protection Scheme (Prior Approval)</b></p> <p>No development shall take place until a tree protection scheme and plan has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS5837:2012.</p> <p>Notice of commencement of development shall be given to the Local Planning Authority at least 2 working days before any development takes place. The scheme shall be retained and maintained for the full duration of building/engineering operations, or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. The tree protection must be provided before development takes place to ensure that the trees are protected throughout the construction phase. A pre-condition is required because the tree protection measures may vary depending on the final layout. This condition is applied in accordance with the National Planning Policy Framework, Policy CS18 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD.</p>
13	<p><b>Obscure glazing</b></p> <p>The window at first floor level in the southern elevation of Plot 12 shall be fitted with obscure glass before the dwellings hereby permitted are 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</p>

## WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES

	CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).
14	<p><b>Permitted development restriction (extensions/outbuildings)</b></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, B, C and E of that Order shall be carried out within Plots 11 and 12, 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) and the Quality Design SPD (June 2006).</p>

Informatives

1.	<p><b>Approach of the LPA</b></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><b>CIL</b></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 the 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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3	<p><b>Damage to footways, cycleways and verges</b></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>

## WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES

4	<p><b>Damage to the carriageway</b></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>
5	<p><b>Incidental works affecting the highway</b></p> <p>Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport &amp; Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.</p>
6	<p><b>Temp Signing Requires Written Consent</b></p> <p>Any temporary signing affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport &amp; Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.</p>
7	<p><b>Official Postal Address</b></p> <p>Please complete and online street naming and numbering application form at <a href="https://www.westberks.gov.uk/snn">https://www.westberks.gov.uk/snn</a> 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><b>Construction / Demolition Noise</b></p> <p>The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Quality Team Manager.</p>
9	<p><b>Provision of Vehicle Charging Points (Air Quality/Public Health)</b></p> <p>As an opportunity to improve air quality we would urge the developer to consider the provision of electric vehicle charging facilities for use by the occupiers and their visitors.</p>

*(The meeting commenced at 6.27 pm and closed at 8.30 pm)*

**CHAIRMAN**

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**WESTERN AREA PLANNING COMMITTEE - 18 JANUARY 2023 - MINUTES**

**Date of Signature** .....