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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, 21 AUGUST 2013

Councillors Present: David Allen, Howard Bairstow (Substitute) (In place of Ieuan Tuck), Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hewer, Roger Hunneman, Garth Simpson, Anthony Stansfeld and Virginia von Celsing (Vice-Chairman)

Also Present: Emmanuel Alozie (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)) and Derek Carnegie

Apologies for inability to attend the meeting: Councillor Julian Swift-Hook and Councillor Ieuan Tuck

PART I

21. Minutes

The Minutes of the meeting held on 31 July were approved as a true and correct record and signed by the Chairman.

Councillor Jeff Beck stated that they were still waiting on a legal opinion to be provided by Legal on the conditions. It was confirmed that this would be provided to Members shortly.

22. Declarations of Interest

Councillors David Allen, Jeff Beck and Howard Bairstow declared an interest in Agenda Item(s) 4(1), but reported that as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

23. Schedule of Planning Applications

23(1) Application No. and Parish: 13/00835/FULEXT - Mill Lane, Newbury.

Councillors David Allen, Jeff Beck and Howard Bairstow declared a personal interest in Agenda item 4(1) by virtue of the fact that they were a Member of Newbury Town Council and had been part of the Planning and Highway's Committee meeting which had considered the application, however they would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/00835/FULEXT Mill Lane, Newbury in respect of the redevelopment of the site and erection of 37 dwellings with 1500m² of office space and associated access, parking and open space.

In accordance with the Council's Constitution, Councillor Phil Barnett, Parish Council representative and Mr Jonathan Headland, Mr Simon Kirk and Mr Nick Paterson-Neild, applicant/agent, addressed the Committee on this application.

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Derek Carnegie introduced the application. He summarised that the application was contrary to the Core Strategy, as the land was protected for employment purposes only under policy designation CS9. The Council needed to be careful to ensure that there was not a shortfall of employment accommodation by 2026 and to avoid using green field areas to fill employment need. However the application satisfied the 5 criterion of Policy HSG1, which needed to be satisfied before a development became acceptable. The application was also in accordance with the three sustainability dimensions of the NPPF including economic, social and environmental. The Core Strategy stated that there was a shortfall of offices across the district to 2026 and the additional offices proposed as part of the application would assist this.

Derek Carnegie stated that other material considerations must be taken into account by Members such as the land being vacant for the past 4 years, housing provision, affordable housing provision and the site being in a very sustainable location. Therefore the application was considered by Officers to be on balance and if approved CS9 would not substantially be undermined.

Councillor Jeff Beck referred to page 8 of the agenda. The Environmental Agency stated 'no piling' in their response to the application however, on page 18 of the agenda there was a condition on piling. Councillor Beck queried whether piling was allowed. Derek Carnegie confirmed that if considered safe an agreement on piling could be reached with the applicant. Councillor Paul Bryant highlighted that the Environmental Agency were most likely referring to impact piling. Derek Carnegie confirmed that if piling was suggested this would be evaluated before being agreed.

Councillor Beck referred to page 9 of the agenda and felt that the amount designated for Thames Valley Police was an unusual amount. Derek Carnegie confirmed that Thames Valley Police were often consulted regarding S106 money. The sum of money within the report referred to money required for extra provision as a result of the application if it was approved.

Councillor Beck referred to page 19 of the agenda which contained details about the air quality impact assessment. Derek Carnegie confirmed that he had spoken to the Senior Environmental Control Officer who had stated they were concerned regarding the potential increased traffic caused as a result of the development. The Highway's Department had given the view that the traffic from the proposed site would be indifferent to the traffic levels caused by Travis Perkins.

Finally Councillor Beck raised a question about electric charging points on the proposed site and felt that these needed to be considered. Councillor Hilary Cole stated that electrical charging points were usually incorporated as part of commercial sites rather than residential ones.

Councillor Cole felt that it would have been useful for Members to be reminded of the previous proposal that was refused and suggested that if the application went to the District Planning Committee, this should be provided.

Phil Barnett in addressing the Committee raised the following points:

- The Newbury Town Council Planning and Highways Committee (NTCP&HC) had raised varying views on the application when considering it;
- The NTCP&HC had supported the provision of 37 houses on the site as it was in a good location for the town centre and would also provide much needed affordable housing;
- The site had been an eye sore for 4 years;

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- The NTCP&HC were not in support of the office accommodation aspect of the application. The town was already well endowed with vacant units;
- The Town Council were happier with the current application than the previous application and the benefits it would bring to the area;
- Councillor Barnett was keen to see benefit to the surrounding area and stated that he would like to see S106 contribution for green areas elsewhere in the town;
- He was keen to see local roads unaffected by parking from the development.

Councillor Roger Hunneman stated that Members needed to consider if they would rather see the site remain empty or alternatively agree the application which was a compromise. He stated that he would have rather seen 100% housing on the site however, understood the constraint placed on the developer.

Mr Jonathan Headland, Mr Simon Kirk and Mr Nick Paterson-Neild in addressing the Committee raised the following points:

- The application supported the 12 principles of the NPPF. It also supported the 3 dimensions of the NPPF in that the development was sustainable economically, socially and environmentally;
- The site had been vacant for 4 years;
- The development would provide employment opportunities in the town and was sustainable located near to the town centre;
- The area was of mixed character and the development was in keeping with this;
- The provision of offices accommodation satisfied the core strategy and would provide jobs. The development would make a positive contribution to West Berkshire;
- The developer acknowledged that the site was designated for employment accommodation however, West Berkshire Council's own research had identified that there was enough commercial space in district in 2011;
- The application would cause no harm on the Council's Employment Strategy;
- The development would drive economic growth, supply homes and businesses and fulfilled all 3 aspects for sustainable development. It would also improve the visual aspect of the area.

Councillor Hunneman queried why the developer had not chosen to propose 100% housing provision for the site. It was confirmed that a previous application, which incorporated a larger proportion of housing was refused at Committee. The application had been designed to be more in keeping with CS9. Derek Carnegie confirmed with CS9 in mind an application for 100% housing would have been difficult to support.

Councillor Cole reiterated that she would have liked to have been reminded of the previous plans. When considering the previous application she had raised concerns about properties in the bottom right hand corner of the plans. These properties were very shaded and Councillor Cole questioned if steps had been taken to avoid this happening within the new application. Mr Headland confirmed that the previous gardens had faced east. Within the proposed application properties had been orientated to the south to avoid this issue. Steps had also been taken to mitigate overlooking from the Kings Road site. Impact upon existing properties was minimal. Mr Kirk confirmed that the buildings within the new application were no more than 2.5 storeys, so the ridge heights were lower than in the previous application.

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Councillor Beck asked whether consideration had been given to electrical charging points. Mr Headland confirmed that any business which moved into one of the office blocks would have to adhere to the BREEAM Assessment. Different businesses would have different requirements. Regarding the residential area, parking spaces were close to the accommodation, which would lend itself to electrical charging points being implemented in the future. It would however, be difficult to protect the points to ensure they were not used when residents were away from their properties. It was confirmed that there would be a travel plan put in place for the site.

Councillor David Allen queried how the build of the office and residential units would be timed. Mr Kirk responded that the office space would be constructed first to prevent homeowners having to pass through an unfinished building site.

Councillor Bryant noted that Swift boxes would be placed amongst the development if it was approved and queried why in particular Swifts were chosen. It was confirmed that the development has been deemed a suitable habitat for Swifts during the eco walkover.

Councillor Hunneman queried how many car parking spaces there would be for the office blocks. It was confirmed that there would be 1 space per 25 metres. It was reiterated that there would be a travel plan in place to mitigate car usage.

Councillor Roger Hunneman as Ward Member raised the following points:

- He would have rather seen a proposal for 100% housing on the site however, understood that this compromised the Core Strategy.
- The application seemed a reasonable compromise.
- He was satisfied regarding the internal size of the houses and the site layout as a whole.
- He hoped that the travel plan would reduce any impact of the site on the surrounding area. Travis Perkins had only moved a small distance away so therefore the traffic generated by the company could not be discarded.

Councillor Hunneman proposed that Members support Officer recommendation to approve planning permission. Councillor Beck supported his proposal.

Councillor Allen as Ward Member stated that he had been one of the Town Councillors who strongly objected to the office element of the development and reiterated that he would rather see 100% housing on the site. Councillor Allen highlighted that to the east of the site there were employment facilities that had been vacant for some years including Plenty Business Park, Kingfisher Court, the old Stryker site and units at Overbridge Square.

Councillor Cole supported the proposal as it was clear the developer had made many changes to reduce fear raised about the previous application. A mixed development of accommodation and employment provision was a good compromise with CS9 in mind. The development had the potential to provide 125 jobs. Councillor Bryant highlighted that with new housing being built in the area, jobs would need to be provided.

RESOLVED that the application be referred to the District Planning Committee with a favourable recommendation to **APPROVE** the planning application, subject to the first completion of the required s106 planning obligation.

Conditions

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

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Reason: To enable the Local Planning Authority to review the desirability of the development against the advice of the Development Management Procedure Order 2010.

2. Samples of the materials to be used in the proposed development shall be submitted on the application site, as noted on the materials schedule and plan received on the 25th June 2013, by the Planning Authority. No development may commence until the materials as submitted are approved in writing by the Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

3. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose. In addition, no change of use of the office units to a residential use shall be allowed without the express permission of the Council, following an application made for that purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007. To accord with policy CS9 in the West Berkshire Core Strategy 2006 to 2026.

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

Reason: To ensure a satisfactory relationship between the proposed buildings and the adjacent land in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

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

Reason: In order to protect the amenities of surrounding residents in accordance with policy HSG1 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

6. The development must be carried out in strict accord with the submitted plans as identified in the table below.

Plan number	Name	Date received.
	Location Plan	10/04/2013
S2341/200	Level Survey	10/04/2013
T322-I-5	Plans & Elevations 1 of 2	10/04/2013
T322-I-5	Plans & Elevations 2 of 2	10/04/2013
H3642/OBB/01 Rev A	Block B B1 Office Floor Plans	26/04/2013
H/3642/OBA/02 Rev A	Block A B1 Office Floor Plans	26/04/2013
H3642/PL/02 Rev M	Planning Layout	24/06/2013
H3642/ML/01 Rev B	Materials Layout	24/06/2013

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BLC120170-1 Rev B	Soft Landscape	24/06/2013
BLC120170-2 Rev B	Soft Landscape	24/06/2013
BLC120170-3	Formal Square	24/06/2013
H3642/AHP/01 Rev A	Affordable Housing Plan	24/06/2013
CS063176/T/010 Rev -	Swept Path Analysis of Proposed Parking Spaces Sheet 1 of 4	24/06/2013
CS063176/T/011 Rev -	Swept Path Analysis of Proposed Parking Spaces Sheet 2 of 4	24/06/2013
CS063176/T/012 Rev -	Swept Path Analysis of Proposed Parking Spaces Sheet 3 of 4	24/06/2013
CS063176/T/013 Rev -	Swept Path Analysis of Proposed Parking Spaces Sheet 4 of 4	24/06/2013
H3642/SS/01 Rev A	Street Scenes & Site Sections	24/06/2013
H3642/BP/01 Rev -	T323 Block Plans & Elevations	24/06/2013
H3642/XYZ/02 Rev A	XYZ A Flat Block Plans & Elevations Plots 1-9	24/06/2013
T322-E-5	Plans and Elevations 1 of 2	24/06/2013
T322-E-5	Plans and Elevations 2 of 2	24/06/2013
T322-E-5 (Plot 37 only)	Plans and Elevations 1 of 2	24/06/2013
T322-E-5 (Plot 37 only)	Plans and Elevations 1 of 2	24/06/2013
SH27-E-5	Plans and Elevations 1	24/06/2013
H3642/PD/EAD	Flat Block EAD (note includes plots 19-24 and 25-30)	24/06/2013
H3642/CB/01	1.8m Timber Close Board Fence	10/04/2013
H3642/SW/01	1.8m High Brick Wall General Locations	10/04/2013
H3642/HTR2/01	0.9m High Black Hoop Top Railings	10/04/2013
H3642/GG/01	1.8 m High Timber Garden Gate	10/04/2013
H3642/TS/01	Timber Shed Plans & Elevations	10/04/2013
H3642/RBW/01	450mm Raised Brick Walkway	10/04/2013
H3642/TS/01	Cycle Storage Specification	10/04/2013
H3642/BS/01	Bin Storage Plots 1-9, 19-30	24/06/2013
CS 900198-02-21-T-006 Rev A	Levels and Contours	24/06/2013
H3642/PL/03 Rev -	Planning Layout Block Plan	26/07/2013

Reason To ensure clarification in the development as permitted as advised in the Development Management Procedure Order of 2010.

7. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Odyssey and dated December 2010 and Addendum dated March 2013 and the following mitigation measures detailed within the FRA:
 1. No loss of flood storage.
 2. No impedance of flood flows.
 3. Flood-proofing measures.

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4. Finished floor levels are set no lower than 300mm above Ordnance Datum (AOD).
5. Assessment of safe access and egress.

Reason:

1. To reduce the impact of flooding on the proposed development and future occupants.
2. To reduce the risk of flooding to the proposed development and future
3. To ensure safe access and egress from and to the site.
4. In accord with the advice in the NPPF of 2012.
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and has obtained written approval from the local planning authority. That remediation strategy shall be implemented as approved.

No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: to accord with the advice in the NPPF of 2012.

9. Piling or any other foundation designs using penetrative methods shall only be permitted with the express written consent of the Local Planning Authority, which will be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: Piling is not appropriate in areas of contaminated soils as it may create pollution pathways to controlled waters. To accord with the advice in the NPPF of 2012.

10. No development shall commence on site, until the location and details of 10 swift boxes (2 x 5) to be built into the eaves of south facing development has been submitted to the local planning authority has been approved in writing. Such approved boxes will be incorporated and retained thereafter.

Reason: to enhance biodiversity on the site, in accord with policy CS17 in the West Berkshire Core Strategy 2006 to 2026.

11. No development shall commence until a Construction Management Plan has been submitted to the Local Planning Authority, and approved in writing. The plan shall detail items such as phasing of construction, construction traffic plans (routes, number of movements, visitor and construction parking, wheel washing, timings of large scale vehicle movements), types of piling rig and earth moving machinery to be implemented and measures proposed to mitigate the impact of construction operations. In addition the plan shall make note of any temporary lighting that will be

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used during the construction phase of the development. The plan shall be implemented in full and retained until the development has been constructed. Any deviation from this Construction Management Plan shall be first agreed in writing with the Local Planning Authority.

Reason: To ensure disruption is minimized during construction in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

12. No development shall commence until the applicants have submitted to the Local planning authority a scheme of works, or other steps as may be necessary to minimise the effects of dust during the construction of the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of amenities of neighbouring occupiers. In accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

13. No development shall commence until details of a scheme of works, for protecting the occupiers of the development from externally generated noise, shall be submitted to and approved in writing by the Local Planning Authority. All works forming part of the scheme shall be completed before any dwelling is first occupied.

Reason: In order to protect the amenities of proposed residents/occupiers of the development in accordance with Policy OVS6 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

14. No development shall commence on site until an air quality impact assessment has been carried out to determine the predicted impact on air quality within the vicinity of the site, covering in particular the Bear Lane roundabout and the St John's roundabout (the declared Air Quality Management Area) from the increased road traffic from the site onto the local road network. Any proposed mitigation measures must first be agreed in writing with the Local Planning Authority and then implemented in full on completion of the development hereby approved.

Reason: To mitigate the impact to local residents from dust and reduced air quality as a result of operational traffic. In accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

15. The development shall be implemented in accord with the detailed scheme of landscaping for the site as received by the Local Planning Authority, on the 25th June 2013. The scheme as approved shall ensure that:
 - a) Completion of the approved landscape scheme within the first planting season following completion of development.
 - b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

16. Prior to the occupation of the 17th dwelling, office block A shall be structurally completed, [with the exception of internal fit out, fixtures and fittings] . Prior to the occupation of the 37th dwelling on the application site, office block B shall be structurally completed [with the exception of internal fit out, fixtures and fittings].

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Reason: the application site lies on a protected employment area as designated under policy CS9 in the West Berkshire Core Strategy 2006 to 2026, and it is essential that the office space is completed as part of the mix of uses on the site.

17. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. The residential or office use shall not commence until the visibility splay at the site access onto Mill Lane has been provided in accordance with drawing number H3642/PL/02 M received on 25/06/2013. The land within this visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

19. No dwelling or office building shall be occupied until the associated vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. No dwelling or office building shall be occupied until the associated cycle parking and storage space has been provided in accordance with the approved details, as submitted on the amended plans received on the 25th June 2013 by the Planning Authority, and retained for this purpose at all times.

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

21. The parking space for each individual dwelling on site, and the parking spaces as approved on the associated office layout, shall be retained for vehicle parking only, in regard to its associated use.

Reason: To ensure that the parking spaces are kept available for vehicle parking in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

22. No development shall commence on site until details of the provision for the storage of refuse for the residential and office uses have been submitted to and approved in writing by the Local Planning Authority. Thereafter refuse shall be stored

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in accordance with these approved details.

Reason: In the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

24. The dwellings shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). No dwelling shall be occupied until a final Code Certificate relevant to it, certifying that Code Level 4 of the code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

24. The new office buildings shall achieve Excellent under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for the development, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

25. Prior to occupation of the development hereby approved, the owner / occupier shall develop and receive approval (in writing from the Local Planning Authority) of an appropriate travel plan for the site and its associated activities. The owner / occupier shall implement the approved travel plan from first operation / occupation of the development and take reasonably practicable steps to achieve and maintain the agreed targets within the timescales set out in the plan.

Reason: ensure the development reduces reliance on private motor vehicles in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

24. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced 6.30pm and closed at 7.35pm)

CHAIRMAN

Date of Signature