

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, 2 SEPTEMBER 2020

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

Also Present: Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer), Kim Maher (Solicitor), David Pearson (Team Leader - Development Control) and Matthew Shepherd (Planning Officer)

PART I

17. Minutes

The Minutes of the meeting held on 12 August 2020 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following:

Councillor Phil Barnett asked for it to be noted that he had been late to the meeting because of technical difficulties, rather than through any intention on his behalf.

18. Declarations of Interest

Councillors Tony Vickers, Phil Barnett, Jeff Cant and Adrian Abbs declared an interest in Agenda Items 4(1) and (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.

19. Schedule of Planning Applications

(1) Application No. and Parish: 20/00152/FUL, 1 and 3 Kennet Road, Newbury,

(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council's Planning and Highways Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter. Councillor Vickers made a clarifying statement to the effect that he lived within approximately 200m of the site and in a Zone 3 property, however he did not believe this was a conflict of personal interest. He noted that he was on record as having voted against officer recommendation at the Western Area Planning Committee on 5 February 2020, where a similar issue had been raised and that he was predisposed to opposing officer recommendation on this matter. However he was open to persuasion and had not predetermined his view on this item.)

(Councillor Jeff Cant declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Newbury Town Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that his commercial offices were within 100m of the property. 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.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/00152/FUL in respect of the demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works.
2. Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. He drew the Committees attention to a previous application which had been refused by officers, and dismissed at appeal. The officer's recommendation had been led by the Inspectors previous decision on a proposal for a development in a similar location and design.
3. As proposed site fell within a Flood Zone 3, policy CS16 applied and a sequential test was required. A sequential test was a process to assess whether there were any alternative sites within the whole district which were less likely to flood that could be developed in preference to this site. Once these sites had been used or were unavailable, then sites more likely to flood could be considered. This process was a way to manage risk and to direct development to areas that were least likely to flood, and applied to new developments.
4. As the application would result in a net gain of one house, officers carried out the sequential test over the whole of the district. The agent disagreed with this approach and felt that only Newbury, Thatcham and the eastern urban areas of the district should be included in the search area. There were six to seven sites within Newbury that were sequentially preferable, therefore the proposal had not passed the sequential test. The Inspectors decision on the appeal for the last application was that the lack of harm to amenity and street scene, did not outweigh the issues of a sequential test.
5. In conclusion the report detailed that the proposal was unsatisfactory and a conditional approval could not be justified. Officers recommended the Committee to delegate to the Head of Development and Planning to refuse planning permission for the reasons listed in the main report and in the update report.
6. The Chairman invited the Highways Officer to speak. Paul Goddard noted that Highway Officers were generally content with the proposal with regards to parking levels and access. There were some further amendments required for the cycle storage and electric vehicle charging points, which could be easily overcome by amended plans and conditions, therefore on their own were not enough to recommend refusal. Highways Officers have no reasons for refusal, subject to these amendments

Removal of speaking rights

7. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
8. In accordance with the Extraordinary Council resolution, a written submission had been received from David Jones (Evans Jones Ltd), agent.

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

9. The written submission was read out by the Clerk to the Committee as follows:

Agent Representation

Your planning officer's report comprehensively sets out the planning matters to be considered with this application. Officers have recommended that this application be refused consent solely on the grounds of flood risk.

We have worked constructively with officers to find a solution to the recommended refusal reason. Regrettably, we have been unable to reach agreement.

This application is twin tracked with application reference 20/01186/FUL, which is to be determined later today under committee item 4(2).

This alternative application (which is recommended for approval by officers) is for the conversion of 1 and 3 Kennet Road from two dwellings to create six self-contained flats (a net increase of 4 dwelling units).

In comparison, this proposal seeks consent for the demolition of existing dwellings (2 dwelling units) and erection of 2No. semi-detached dwellings and 1No. detached dwelling (a net increase of one dwelling unit).

It is acknowledged that the application site lies within Flood Zone 3, and thus new build housing requires the submission of a sequential test.

Disagreement exists between your officers and the applicant in respect to the scope of the sequential test, we would thus ask members to consider this application from a practical standpoint.

The sequential test submitted with this application demonstrates that there are no sequentially preferable sites within a reasonable search area. Officers consider that the search area should extend to the whole district, whereas we consider that the sequential test should be limited to the comparable urban areas of the district.

The applicants submitted sequential test clearly demonstrates that none of the other sites in line with the methodology of the test are suitable and/or available alternatives. Thus, we submit that this proposal passes the sequential test

We would urge members to consider this application pragmatically applying logic and common sense. The proposed development will provide high quality accommodation complying with all local and national planning policies.

It is notable and very relevant that the statutory consultees responsible for flood risk matters (Environment Agency and the Lead Local Flood Authority) raise no objection subject to condition. It is an important factor that the site is within an area that benefits from Environment Agency flood defences, substantially reducing the risk of flooding.

It is accepted that the site is in a location where the principle of development is acceptable and that there is no objection from the Conservation Officer.

Furthermore, it is noted that the officers conclude that proposal will not give rise to issues of impact to neighbouring amenity.

The proposed development has wider sustainability benefits, in accordance with the objectives set out in the National Framework. Additionally, the development will be safe for its lifetime through appropriate mitigation and the presence of flood defences.

Mindful that your officers are supportive of the alternative development proposal (conversion to 6 flats) we submit that three new build dwellings provide an opportunity to create a high-quality development accommodating appropriate flood mitigation measures.

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

We thus respectfully request that members support this proposal.

Ward Member Representation

10. Councillor Andy Moore in representing the Committee as Ward Member made the following points:

- Councillor Moore had called-in this application because of the sensitive nature of the site, the potential effect on the neighbours at 34 Craven Road and the current dilapidated state of the properties being discussed. He reminded the Committee of the previous applications on the site. He felt that the Committee needed to take stock of the whole position and was grateful that the Chair agreed.
- He knew the area well, as he cycled through it frequently.
- There were technical issues with the development, for example the flood risk assessment and the sequential test, however he did not propose to dwell on these.
- He was pleased that the applicant had proposed an alternative scheme, to be considered as item 4(2) of this Committee, as they had recognised that a new build scheme would not be in accordance with policy. He was pleased that the officers were recommending refusal, as did the planning inspector when dismissing the appeal.
- His focus was on the proposal for a substantial, new, three storey building on the corner of Craven Road, which was a feature of all previous applications. He noted that neither the officers nor the inspector saw the building as out of keeping, as the height was principally compared to properties in Craven Road, and not the lower properties in Kennet Road.
- The officer's report noted that the Conservation Officer had not objected to the proposal. However, in earlier comments from the Conservation Officer, concern had been expressed about the over development of the open corner plot, the proposal's failure to enhance or preserve the setting of the designated heritage assets and its impact on the historic original West Mills Farm House, which No.1 Kennet Road adjoined.
- Councillor Moore agreed with the Conservation Officer's comments, furthermore a substantial building on the corner, would have significant effect on the amenity of a property on Craven Road.
- It is a pity that site visits could not be carried out, but he was pleased that extra photographs had been included in the officer's presentation.
- In addition to being the Ward Member, he was also on Newbury Town Council's Planning and Highways Committee, and the views he expressed were those of the Committee.
- In conclusion he agreed with officer's recommendation to refuse the application

Member Questions of the Ward Member

11. Councillor Phil Barnet asked if Councillor Moore could recall whether Kennet Road had ever been flooded. Councillor Moore confirmed that he remembered flooding in the roads and back gardens around the area, but not actually in Craven or Kennet Road.

Questions to Officers

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

12. Councillor Abbs noted that there was an occupied building in the garden of the property that had not been mentioned in the presentation. Matthew Shepherd clarified that the log cabin shown in the layout plan was part of a previous application. Enforcement officers were aware of the building and were investigating. Councillor Abbs asked if the presence of the structure should be taken into consideration as it was a substantial sized building. Matthew Shepherd explained that it was temporary in nature, subject to planning conditions and therefore subject to removal. Although it was a consideration on the site, it did not change the officer's recommendation.
13. Councillor Tony Vickers queried why the sequential test had not been given as a reason for refusal before the appeal. Matthew Shepherd explained that it was picked up as an issue during the preparation of documents for the planning appeal.
14. Councillor Vickers asked for confirmation that neither the policy nor the interpretation of policy changed at that point. He continued by noting that in the appeal decision report, paragraph 16, the Inspector stated that development would be allowed in flood risk areas where a set of criteria could be satisfied, including that the benefits to the community could outweigh the risk of flooding.
15. Councillor Vickers asked officers to confirm that the Inspector was not indicating that flood risk and the sequential test outweighed everything else and that the Committee could weigh the matter of flooding in the balance with other aspects such as, The Local plan and the National Planning Policy Framework (NPPF). Matthew Shepherd shared an image of the wording of CS16 and explained that the sequential test and the exception test were one, two barriers, therefore the sequential test had to be passed in order to move onto the exception test. Officers did not consider that the benefits of the scheme, or lack of harm, outweighed the conflict with policy CS16, this was supported by paragraph 16 of the Inspectors report. Members could take the view that the benefits did outweigh the flood risk, but officers had been guided by an Inspectors decision, and their own thoughts on this application, that material considerations do not outweigh the risk.
16. Councillor Carolyn Culver queried why officers felt it was inappropriate to build in a flood zone when the Environment Agency had made no objection. She also queried whether there had been any flooding, as Councillor Moore was not aware of any. Matthew Shepherd explained that flood zones were dictated by the Environment Agency using statistical models and showed areas that were at risk of flooding, not necessarily those that had flooded. The Zones could change as they were also a prediction, as they factored in climate change. The Agency had marked this area as being at a high risk of flooding. It is up to the Planning Authority to assess the information and manage the risk. Through the sequential test officers seek to remove the risk entirely by directing development to areas of little or no risk of flooding. The Environment Agency had informed the council that there was a risk that needed to be managed, and therefore had no objection.
17. Councillor Howard Woollaston asked for clarification on how No.1 and No.3 Kennet Road, and 34 Craven Road could be separated as they looked like they were originally the same house. Matthew Shepherd explained that this was a civil matter and would be taken up between the neighbours. Councillor Woollaston further queried whether the garden area had been taken into consideration. Matthew Shepherd confirmed that the strip of land indicated was part of the existing amenity space for No.1 and No.3 Kennet Road, and would form part of the garden the semi-detached dwellings.
18. Councillor Jeff Cant sought clarification on the sequential test. As he understood it, the principle was that the Planning Authority would not grant consent for properties in

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

areas of flooding, unless there was a compelling reason to do so, whilst there were other sites available throughout the planning area. Matthew Shepherd confirmed this was correct.

19. Councillor Hilary Cole asked if there would be an increased risk of flooding should the garden land be built upon, as if it were to be kept open it would help with drainage. Matthew Shepherd explained that this would have been considered as part of the exception test, should the application have passed the sequential test. It might be that an open garden space would provide more drainage, however he was unable to answer definitively.
20. Councillor Abbs asked whether all previous and current applications had been brought forward by the same party. Matthew Shepherd confirmed that this was correct.
21. Councillor Vickers referenced the Environment Agency flood alleviation defences and queried whether the flood zone mapping took any account of the change in flood risk. He had looked at the Environment Agency's latest report for this area of Newbury and it claimed that, as a result of that scheme, it had achieved a significant reduction in the flood risk from the river. Matthew Shepherd explained that the Environment Agency had updated their modelling and mapping and that this area was still in Flood Zone 3, although the alleviation scheme reduced the risk of flooding, there was still a risk of flooding in Newbury. The sequential test aimed to avoid further development in areas of risk. This did not discount the reduction in risk as a result of the alleviation scheme, however there still was a risk to properties and, in accordance with the NPPF, we should not be putting more properties in harm's way.
22. Councillor Vickers posited that as the current houses were in an extremely poor condition, whether a pair of new build properties would be significantly more sustainable, better environmentally and socially. Matthew Shepherd observed that there were some schools of thought that reusing and repurposing materials might be more a more sustainable way of building, for example using less new concrete, less heavy machinery. A refurbishment might reduce profit margins, however this was not a planning matter.

Debate

23. Councillor Abbs opened the debate by noting that for a second Committee in a row an application has been presented where enforcement should have been carried out. He was greatly frustrated. The reality was that the green land had been covered over and it needed to be returned, especially in a flood zone. He saw no reason to go against officer recommendation.
24. Councillor Vickers noted that photographs added to the presentation showed two signs outside the building saying 'danger - unsafe structure'. He believed that the buildings were beyond repair and restoration. He felt that should the application not be approved, the site would gradually decay and bring down the character of the area. He would love to see it restored. He believed that the application could be approved if members agreed with him, that there were no other solutions to the problem of this dereliction. Alternatively, he wished the applicant the best of luck with his extant application to demolish and partially restore the property.

(Councillor Vickers lost connection and the meeting was paused while he reconnected.)

25. Councillor Cant understood Councillor Vickers's point of view, however he felt it was a simple issue of whether the Committee agreed or disagreed with the planning officer's recommendation, based on the fact that this property was proposed for construction in an area of potential flooding. He proposed to accept officer

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

recommendation and refuse planning permission. Councillor Woollaston seconded the proposal.

26. Councillor Dennis Benneyworth remarked that he did not agree with Councillor Vickers' view that the existing buildings could not be restored. In Hungerford there was a prominent building that had been just a shell, and been returned to its former glory. He understood in terms of development it was easier to level a plot and start again, but that did not make it the right thing to do. In this instance, he would be far happier to investigate plan B.
27. Councillor Hilary Cole supported officer's recommendation and Councillors Cant and Benneyworth. Development by dereliction was not an uncommon practice in her point of view, and she felt this property could be restored. With regard to Councillor Vickers view that a new build would be of a better quality and more environmentally friendly, there would be an argument for razing all the properties in that area to achieve the same objective. It was a spurious argument.
28. Councillor Barnett had taken note of Councillor Hilary Cole's comments, however he was concerned about the state of the property. He was also aware of the concern of nearby residents. On balance, he felt it was beyond repair and would therefore vote against Councillor Cant's proposal.
29. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Woollaston to refuse planning permission. At the vote the motion was carried.

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

Refusal Reasons

1. Not passing the flooding sequential test (amended text as per the Update Report)

The application site is within Flood Zone 3 and Policy CS16 says that in areas with a history of flooding development will only be accepted if it is demonstrated that it is appropriate in that location, and that there are no suitable and available sites at a lower flood risk. It goes on to say that where development has to be located in flood risk area that it should be safe and will not increase the flood risk elsewhere.

The sequential test was submitted and assessed by officers. The LPA has reviewed the submitted sequential test and finds that the development does not pass it. The sequential test search area is limited to just the Urban areas of the district, the LPA is of the opinion that the search area should district wide. The Sequential test submitted is therefore inadequate in scope to fully assess sites that might be sequentially more favourable to build upon in terms of flooding.

The assessment of the sequential test misses sites that are actively being marketed (at the time of writing the document) to which meet the criteria set out in the submitted sequential test and are considered reasonably available by the Local Planning Authority.

The submitted sequential test discounts sites that the Local Planning Authority considered to be reasonably available. The submitted sequential test discounts sites due to them falling with Flood Zone 2 or a critical drainage area to which are areas of lesser flood risk and therefore sequentially preferably to develop prior to this site. The development is therefore not considered to pass the sequential test and therefore does not accord with CS16 of the West Berkshire Core Strategy (2006-2026) and paragraphs 157 to 161 of the National Planning Policy Framework 2019.

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

(2) Application No. and Parish: 20/01186/FUL, 1 and 3 Kennet Road, Newbury

(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were Members of Newbury Town Council's Planning and Highways Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

(Councillor Jeff Cant declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Newbury Town Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(2) by virtue of the fact that his commercial offices are within 100m of the property. 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.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/01186/FUL in respect of the change of use of 1 and 3 Kennet Road from 2 dwellings to 6 self-contained flats, minor exterior alterations and associated car parking and gardens.
2. Sian Cutts 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 and a conditional approval was justifiable. Officers recommended the Committee to delegate to the Head of Development and Planning to grant planning permission subject to the conditions listed in the main report and in the update report.
3. The Chairman invited Paul Goddard to make observations on the proposed development. Paul Goddard stated that all amendments that had been sought had been provided, including electric vehicle charging points for all spaces. He noted that cycle storage, access and parking provision were acceptable and stated that the Highway Authority was very satisfied with the plans and recommended approval subject to conditions.

Removal of speaking rights

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
5. In accordance with the Extraordinary Council resolution, written submissions had been received from David Jones (Evans Jones Ltd), agent.
6. The written submission was read out by the Clerk to the Committee as follows:

Agent Representation

Your Officer's Report has comprehensively set out the planning considerations and associated planning balance. This proposal is supported by Officer's with a clear recommendation to approve this application, subject to conditions.

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

The principle of the development is considered to be acceptable, being within the settlement boundary of the principal urban area of Newbury. A location where your authority seeks to focus new development.

The statutory consultees offer no objection, this proposal being acceptable in relation to flood risk, highway safety, heritage assets, preserving the existing character of the adjacent Conservation Area.

The drawings provided with the application demonstrate that there is sufficient amenity space for the occupiers and that the private amenity space provided on site would provide a reasonable degree of privacy. The amenity areas are consistent with that typically found in this area ensuring that development is not be cramped.

The development will not have a detrimental impact on the privacy of neighbouring occupiers, with only one additional window (serving a habitable room) proposed as part of this development the single window serving a habitable room and this does not face directly towards any habitable rooms in neighbouring properties, thus ensuring that there is no additional overlooking as a result of the development.

The applicant has worked with drainage officers to ensure that the development is acceptable in relation to flood risk through the provision of bedrooms on the first floor as opposed to the ground floor, as the submitted plans demonstrate.

Furthermore, the change of use of the property will not increase the flood risk in the wider area.

With regards to the provision of electric vehicle charging stations and cycle parking, the applicant has worked with officers to ensure that this is sufficient. The Highway Officer has confirmed that they have no objection to the development in this regard.

It is hoped that Councillors will support their Officer's recommendation and approve this application.

Ward Member Representation

7. Councillor Andy Moore in representing the Committee as Ward Member made the following points:
 - The application had been called in because the ward member felt that the committee needed to take stock of the whole position.
 - The fact that the applicant had submitted this application demonstrated awareness that the previous application did not accord with policy.
 - He praised the applicant for wanting to redevelop the properties, which were in a poor condition, and bring them back into use.
 - He encouraged members of the committee to approve the application which he felt would be of benefit to the vicinity.

Member Questions of the Ward Member

8. There were no questions for the Ward Member.

Questions to Officers

9. Councillor Carolyn Culver asked about the implications of covering an area that was currently garden with gravel, in terms of flood risk.
10. Sian Cutts stated that the applicant had submitted a flood risk assessment, which was required to include sustainable drainage methods to ensure surface water

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

drainage at the site would be equivalent to green field levels. She confirmed that the flood risk assessment had been assessed by the Council's drainage engineers who were satisfied with the proposal. She noted that a condition was proposed requiring further details to be submitted, to demonstrate that the site would not increase the risk of flooding beyond the site or make existing flooding worse.

11. Councillor Culver asked about current levels of on-site parking provision for the properties.
12. Councillor Tony Vickers confirmed that there were two parking spaces, and that the applicant had created a dropped kerb to the north side of number three.
13. Councillor Phil Barnett suggested that broken hardcore with gravel on top would drain well, but concrete with chippings on top would not. He asked for confirmation of what material would be under the gravel.
14. Sian Cutts indicated that the matter would be addressed by the proposed condition requiring the applicant to submit further details on drainage.
15. Councillor Adrian Abbs asked if the condition would ensure that the permeability would be equivalent to that of a green space.
16. Sian Cutts confirmed that was correct.
17. Councillor Hilary Cole asked for clarification that the current policy required all hard surfaces to have permeable drainage. Paul Goddard confirmed that this would be sought whenever possible, taking account of the current extent of the concreted area. He indicated that the drainage engineer was content that the site would be sufficiently improved such that it would not increase the risk of flooding, and would increase permeable drainage within the site.
18. Councillor Jeff Cant thanked the planning officers for making the application easy to understand.

Debate

19. Councillor Howard Woollaston opened the debate by proposing to accept the officer's recommendation to approve the application subject to conditions. Councillor Cole seconded the proposal.
20. Councillor Vickers noted that the floor levels of these properties were amongst the lowest of anywhere in West Fields and wished the developer luck.
21. Councillor Abbs indicated that he was happy to approve the application, but expressed a reservation in relation to the existing approval to part-demolish the property, and asked if the committee had the ability to recant that as part of the approval of the new proposal.
22. Sian Cutts stated that these were two stand-alone applications, so either the extant permission or the new one could be implemented, but implementing elements of both as part of a 'mix and match' approach would not be permitted.

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

23. Councillor Dennis Benneyworth thanked the officer for her thorough presentation. He expressed a reservation about the loss of a parking space in an area where capacity was already limited, but indicated that he understood the reasons for this and therefore supported the officer's recommendation.
24. The Chairman invited the Committee to vote on Councillor Wollaston proposal to accept officer's recommendation and refuse planning permission for the reasons listed in the main report and update report, as seconded by Councillor Cole. At the vote, the motion was carried.

RESOLVED that the Head of Development and Planning be authorised to **grant** planning permission subject to the following conditions:

Conditions

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 amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Location Plan Drawing No. 114 received on 27th May 2020;

Proposed Site Plan Drawing No.111 Rev A received on 8th July 2020;

Proposed Plans and Elevations Drawing No 113 Rev A received on 8th July 2020;

Flood Risk Assessment & Drainage Strategy prepared by SDS Consulting Ltd Ref 5342-RP01 received on 27th May 2020.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Materials

The materials to be used in the external finishes of the development hereby permitted shall match those on the existing development in colour, size and texture, and those materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

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 (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Newbury Town Design Statement.

4. Electric Vehicle Charging Points

No dwelling shall be occupied until electric vehicle charging point of at least 22kw has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy P1 of the Housing Site Allocations DPD.

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

5. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- h) A site set-up plan during the works

Thereafter all demolition and construction work shall be carried out in accordance with the approved details.

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). A pre-commencement condition is necessary as details of first operations are required to be approved and insufficient information was submitted with the application.

6. Parking/turning in accordance with approved plans

No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of private motor cars 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, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD.

7. Access construction prior to occupation

No dwelling shall be occupied until the accesses have been constructed in accordance with the approved drawings.

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).

8. Cycle Parking

No dwelling shall 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.

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 accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD.

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

9. SUDs Drainage

No occupation of the development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Ensure that all sleeping accommodation is located on the first floor.
- b) Include a standalone Flood Response Plan detailing the actions to be undertaken in the event of a flood event. These shall include safe access and egress from the site and appropriate areas of safe refuge;
- c) Include confirmation of the detailed flood resistant and resilient measures (i.e. levels and locations) to be employed within the proposed developments;
- d) Include details of how the SuDS measures will be maintained and managed after completion in a standalone Management and Maintenance Plan. These details shall specify the management company as, due to the shared areas, it would not be appropriate for the plot owners to manage any SuDS features;
- e) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- f) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow.

Reason: To ensure that surface water will be managed in a sustainable manner and to prevent the increased risk of flooding. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Sustainable Drainage Systems SPD (2018).

10. Boundary Treatment

No dwelling shall be occupied until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the dwellings hereby permitted are occupied. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Newbury Town Design Statement.

11. Hours of working

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 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).

12. Sound proofing

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

No dwelling shall be occupied until a scheme for protection the proposed dwellings from internally generated noise have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the noise mitigation measures identified in the approved scheme, have been fully implemented. The noise mitigation measures shall be retained and maintained thereafter.

Reason: To protect future residents from internal noise caused by the proposal. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Informatives

1. Proactive

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. CIL

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

3. Damage to footways, cycleways and verges

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.

4. Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

5. Incidental works affecting the highway

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 & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

6. Resident's Parking Permits

Notwithstanding the provisions of the Human Rights Act 1998, occupiers of the development or part thereof hereby approved shall not by right become entitled to a residents parking permit.

20. Appeal Decisions relating to Western Area Planning Committee

WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

Members noted the outcome of appeal decisions relating to the Western Area. The Chairman congratulated the officer who had summarised the appeal decisions as it had made it easy for Members to understand and hoped that this method of presentation would continue. David Pearson confirmed that he would pass on the Chairman's praise to the officer, Bob Dray.

(The meeting commenced at 6.30 pm and closed at 8.18 pm)

CHAIRMAN

Date of Signature