

# Notice of Meeting



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## Western Area Planning Committee

**Wednesday 24 July 2019 at 6.30pm**

in the Council Chamber Council Offices  
Market Street Newbury

### Members Interests

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

### Further information for members of the public

**Note:** The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. **Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.**

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

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

Email: [planapps@westberks.gov.uk](mailto:planapps@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Jo Reeves on (01635) 519486 Email: [joanna.reeves@westberks.gov.uk](mailto:joanna.reeves@westberks.gov.uk)

Date of despatch of Agenda: Tuesday, 16 July 2019



**Agenda - Western Area Planning Committee to be held on Wednesday, 24 July 2019**  
(continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker (Chairman), Claire Rowles, Tony Vickers (Vice-Chairman) and Howard Woollaston
- Substitutes:** Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers
- 

# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 34  
To approve as a correct record the Minutes of the meeting of this Committee held on 3 July 2019.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
  - (1) **Application No. and Parish: 18/02575/HOUSE - The Gardeners Cottage, Tydehams, Newbury** 35 - 48  
**Proposal:** Demolition of existing outbuildings and garage, new extension linking to house comprising double garage, store and family room with bedrooms above and attic den.  
**Location:** The Gardeners Cottage, Tydehams, Newbury  
**Applicant:** Mr and Mrs Arnold  
**Recommendation:** **The Head of Development and Planning be authorise to grant planning permission**



**Agenda - Western Area Planning Committee to be held on Wednesday, 24 July 2019**  
*(continued)*

**Background Papers**

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

Sarah Clarke  
Head of Legal and Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



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## DRAFT

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

### WESTERN AREA PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY, 3 JULY 2019

**Councillors Present:** Adrian Abbs, Phil Barnett, Jeff Beck (Substitute) (In place of Jeff Cant), Hilary Cole, Carolyne Culver, Clive Hooker (Chairman), Claire Rowles, Tony Vickers (Vice-Chairman) and Howard Woollaston

**Also Present:** Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control), Dennis Greenway (Conservation Officer), Gemma Kirk (Planning Officer), Jenny Legge (Principal Performance, Research and Consultation Officer), Jo Reeves (Principal Policy Officer), Matthew Shepherd (Planning Officer) and Simon Till (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Jeff Cant

#### PART I

#### 9. Minutes

The Minutes of the meeting held on 12 June 2019 were approved as a true and correct record and signed by the Chairman.

#### 10. Declarations of Interest

Councillors Jeff Beck, Hilary Cole, Clive Hooker, Claire Rowles and Howard Woollaston declared an interest in Agenda Item 4 (1). Councillors Adrian Abbs, Jeff Beck, Phil Barnett and Tony Vickers declared an interest in Agenda Items 4 (4) and (5). Councillor Jeff Beck declared an interest in Agenda Item 4 (6). Councillor Clive Hooker had been lobbied on Agenda Item 4 (1). Councillors Hilary Cole and Claire Rowles had been lobbied on Agenda Item 4(3). Councillors Adrian Abbs, Phil Barnett, Jeff Beck and Tony Vickers had been lobbied on Agenda Items 4 (4) and (5). Councillor Jeff Beck had been lobbied on Agenda Item 4 (6). Councillor Claire Rowles had been lobbied on Agenda Item 4 (7). However, they 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.

#### 11. Schedule of Planning Applications

##### (1) Application No. and Parish: 19/01035/HOUSE, Gilberts, Hill Green, Leckhampstead

Councillor Tony Vickers, Vice-Chair, in the Chair.

*(Councillors Jeff Beck, Hilary Cole, Clive Hooker, Claire Rowles and Howard Woollaston declared a personal and prejudicial interest in Agenda Item 4(1) by virtue of the fact that they were acquainted with the applicant who was a former District Councillor and in Councillor Cole's case there had been a close working relationship. Councillor Hooker was also the Ward Member and had been lobbied. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in*

## WESTERN AREA PLANNING COMMITTEE - 3 JULY 2019 - MINUTES

*the debate and vote on the matter and Councillor Hooker would step down from the Chair for the item.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/01035/HOUSE in respect of the proposed demolition of a porch and single storey extensions, new single storey extension and other alterations at Gilberts, Hill Green, Leckhampstead.
2. In accordance with the Council's Constitution, Jonathan Harker (agent), addressed the Committee on this application.
3. Gemma Kirk 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 unsatisfactory and a conditional approval was not justifiable. Officers recommended that the Committee refuse planning permission.
4. Mr Harker in addressing the Committee raised the following points:
  - Officer concerns over the impact of the extension lacked substance as it would barely be visible outside the plot and the hedge would be maintained to ensure screening.
  - The proposed extension was lower than the existing extension and would be physically subservient to the main cottage.
  - The proposed slate roof had been approved at the pre-application stage and the character of the extension would reflect the existing building.
  - The flat rooved part of the extension would sit under the original thatch roof of the main cottage and provide a more attractive join than there was with the current extension.
  - The extension would be more sustainable with a new boiler and more energy efficient insulation. The south side of the property would provide the main living accommodation.
  - Internal partitions which caused the property to be delisted would be removed.
  - The application conformed to the Council's Policy C6.
5. Councillor Adrian Abbs asked what accommodation would be provided on the north side of the property. Mr Harker advised it would be used to the utility room and other services.
6. Councillor Abbs asked Mr Harker to expand on the original extensions who advised that the porch had been added to the property and the existing rear extension abutted the property at an awkward angle.
7. Councillor Hooker in addressing the Committee as Ward Member raised the following points:
  - The applicant had employed the services of a respected architect who was an expert in historic buildings to draw up the plans.
  - The applicant withdrew the first application for a two storey extension and submitted revised plans for an extension of a smaller scale.
  - The Conservation Officer did not support the application, who was also a respected professional.

## WESTERN AREA PLANNING COMMITTEE - 3 JULY 2019 - MINUTES

8. Under questions to officers, Councillor Hilary Cole asked why it was the view of the Conservation Officer that the proposed extension would have an incongruous relationship with the property. Design was subjective and considering the Area of Outstanding Natural Beauty (AONB) Board had not objected she did not see why a 21<sup>st</sup> Century extension would be wrong in the area. Dennis Greenway advised that the extension was in two parts; one with a flat roof and one with a pitched slate roof. These two parts would be incongruous to each other and also the main property.
9. Councillor Claire Rowles asked whether the roof lines were the main source of the objection. Dennis Greenway responded that it was the sum of two parts, that and the increased footprint.
10. Councillor Abbs asked whether there were any rules on the size of extensions. Dennis Greenway advised that there was formerly a figure but no longer, so designs were advised on a case by case basis. Councillor Abbs asked whether the application would have failed under the old criteria. Dennis Greenway confirmed that it would.
11. Councillor Cole asked if the objection would stand if the application was not in a conservation area. Dennis Greenway confirmed that it would.
12. In commencing the debate, Councillor Cole stated that she had taken into account the officer's views. Opinions on design were always subjective and she could recall other applications determined by the Committee on extensions in the AONB. She had considered that the extension would sit nicely in the large plot. While the case officer had stated that it would be visible outside the plot, the applicant had agreed to grow their hedge as screening. She preferred the modern style of the design as opposed to a pastiche of a Georgian cottage. It would be suitable for modern living and its environmentally features should be encouraged. She asked whether the matter would be referred to the District Planning Committee should Members seek to grant planning permission; Derek Carnegie confirmed it would not.
13. Councillor Abbs agreed that the plot was large but felt the house was squeezed into one corner and the addition of a swimming pool would further shrink the plot. Building nothing would be more environmentally friendly.
14. Councillor Howard Woollaston reminded the Committee that no local objections had been submitted.
15. Councillor Hilary Cole proposed that the Committee approve planning permission contrary to officer's recommendation with conditions to be determined by officers. This was seconded by Councillor Howard Woollaston.
16. Councillor Vickers invited the Committee to vote on the proposal which at the vote was carried. Councillors Hooker and Vickers abstained.
17. Following the vote Councillor Abbs made comments regarding the motivation for the decision and declined to withdraw them at Councillor Cole's request.

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

### Conditions

1. **Commencement of development**

## **WESTERN AREA PLANNING COMMITTEE - 3 JULY 2019 - MINUTES**

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 drawing numbers:

- (i) Drawing 4043 001B (Location Plan) received on 10.05.2019;
- (ii) Drawing 4043/11J (Block and Roof Plans) received on 11.04.2019;
- (iii) Drawing 4043/7H (Proposed Ground Floor Plan) received on 11.04.2019;
- (iv) Drawing 4043/8H (Proposed First Floor Plan) received on 11.04.2019;
- (v) Drawing 4043/9G (Proposed North and South Elevations) received on 11.04.2019;
- (vi) Drawing 4043/10E (Proposed South and West Elevations) received on 11.04.2019.

Other associated documents:

- (i) Design and Access Statement (Rev C) received on 11.04.2019.

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

### **3. Construction hours**

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 and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### **4. Materials (schedule and samples)**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the extensions hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To protect the special architectural or historic interest of the building and the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning



## **WESTERN AREA PLANNING COMMITTEE - 3 JULY 2019 - MINUTES**

Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004). A precommencement condition is necessary because insufficient detailed information accompanies the application; materials are required to be agreed before the construction phase begins and so it is necessary to approve these details before any development takes place.

### **5. New windows/ areas of glazing/ door details**

No development shall take place until details of all new windows, areas of glazing and external doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include materials and finishes, at a minimum scale of 1:20 and 1:2. The windows, areas of glazing and doors shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building and the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004). A precommencement condition is necessary because insufficient detailed information accompanies the application; details of windows and doors are required to be agreed before the construction phase begins and so it is necessary to approve these details before any development takes place.

### **6. Landscaping scheme**

No development shall take place until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

(i) Completion of the approved landscaping scheme within the first planting season following completion of the development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition.

(ii) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and to protect the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006). A precommencement condition is necessary because insufficient detailed information accompanies the application; landscaping is required to be agreed before the construction phase begins and so it is necessary to approve these details before any development takes place.

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### 7. Roof details

No works shall take place to the pitched roof of the extension hereby approved until full details of the following have been submitted to and approved in writing by the Local Planning Authority.

Eaves and fascia details

Ridge and hip details

Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building and the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

#### **(2) Application No. and Parish: 19/00806/HOUSE, 24 Donnington Square, Newbury**

This item was withdrawn from the agenda after it was published.

#### **(3) Application No. and Parish: 18/01441/HOUSE, Hayward Green Farm, West Woodhay**

*(Councillors Hilary Cole and Claire Rowles declared that they had been lobbied on this item.)*

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/01441/HOUSE in respect of the proposed demolition of garden store, external alterations to the Eastern Pavilion including the provision of roof lights (retrospective), erection of a new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage at Hayward Green Farm, West Woodhay, Newbury, Berkshire.
2. In accordance with the Council's Constitution, Mr Harry Henderson, Parish Meeting representative, Mr Ewan Christian and Mr John Handy, objectors, and Mr Steven Sensecall, agent, addressed the Committee on this application.
3. Matthew Shepherd 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 that the Committee grant planning permission.
4. Paul Goddard advised that there were no highways issues.
5. Mr Henderson in addressing the Committee raised the following points:
  - The Code of Planning stated that planning effected people's lives and that the process should be transparent to avoid suspicion of impropriety. The Parish Meeting had submitted 27 complaints relating to maladministration of the application by officers.
  - The applicant had refused to engage with the local community.
  - The planning officer had not been impartial in his assessment of the validity of the Section 106 agreement made in 2005.

## WESTERN AREA PLANNING COMMITTEE - 3 JULY 2019 - MINUTES

- Parish Meeting representatives had been excluded from a site meeting with the Area of Outstanding Natural Beauty (AONB) Board.
  - The hydrology report excluded the main issues impacting the site.
  - The applicant had no regard for the planning process or the community.
  - The planning officer had not been impartial.
  - The property would be visible from a footpath in the AONB.
6. Councillor Phil Barnett asked if it was correct that the community had been ostracised from all consultation; Mr Henderson advised that he felt that was the case.
  7. Councillor Tony Vickers asked what was on the site previously. Mr Henderson advised that an agriculturally tied building had been built on the site which was later removed. The current property was over seven times the footprint.
  8. Councillor Adrian Abbs asked Mr Henderson to expand on his complaint regarding officers' conduct. Sharon Armour stated that details of complaints regarding officers were not relevant to the Committee and Members should focus on planning merits.
  9. Mr Christian and Mr Handy in addressing the Committee raised the following points:
    - No effort had been made by the applicant to engage with the local community so the Committee should not look favourable on the application.
    - The application if approved would lead to overdevelopment of the site with a seven-fold increase in floor area which was excessive.
    - The planning authority had failed to consult the AONB Board properly and Councillors had deferred the application in order to ensure this took place.
    - The Parish Meeting were refused access to a site meeting between the AONB and the agents.
    - Officers had lied to the AONB Board.
    - The hydrology report stated that the owners of Fishpond had denied access to their property which was not true; they were never asked.
    - There had been a significant decrease in ground water levels and a pond in the garden of Fishponds had dried up. It was formerly home to newts.
    - The Committee should learn from the problems at Parkway in Newbury where an underground carpark was built and caused subsidence in Victoria Park.
    - The hydrology report fell short of the expected standard as it did not look at upstream issues.
    - Trees were at risk.
  10. Councillor Carlyne Culver asked Mr Christian if he had been asked to provide access to Fishponds; he confirmed he had not. Councillor Culver asked whether the pond was home to great crested newts; Mr Christian advised he did not know.
  11. Mr Sensecall in addressing the Committee raised the following points:
    - The application before the Committee was not for the house which already had permission and had been built according to a consent granted in 2014.
    - Approval would see a net reduction of built space on the site.
    - The Committee had deferred the application in November 2018 to get further information and issues had been addressed in the hydrology report. Environmental Health and Thames Water, who were statutory consultees, raised

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no objections. No evidence to the contrary of the hydrology report had been submitted.

- There was no requirement to allow the Parish Meeting to attend the meeting with the AONB.
  - Some amendments had been made to the design such as a car lift to replace the ramp for the basement garage.
  - Further amendments had been made following the late objection by the National Grid and now they had no objection subject to conditions.
  - Officers confirmed that the application complied with the Council's policies.
  - He was a professional and had not behaved improperly at any point.
12. Councillor Vickers asked when the two outbuildings were constructed. Mr Sensecall advised that one had been built before the applicant took ownership of the plot and he was prepared to demolish one in order to achieve the current application.
  13. Councillor Vickers asked whether the hydrology report included upstream issues. Mr Sensecall confirmed that it did as far as it could and that officers had accepted the report. It was hard to see how the development would have an impact upstream and the AONB was not a competent commentator on drainage.
  14. Councillor Abbs asked which of the outbuildings were original and Mr Sensecall indicated its location on the plan. Under a previous application it had been indicated that one of the buildings would be removed but this was not conditioned.
  15. Councillor Culver asked how many people would use the office facilities in the pavilion. Mr Sensecall advised that it would not be for commercial use and was ancillary to the main house. Councillor Culver asked how frequently the guest accommodation would be used. Mr Sensecall stated he did not know but the pavilion would not be standalone accommodation.
  16. Councillors James Cole and Claire Rowles in addressing the Committee raised the following points:
    - Councillor James Cole declared that he lived in the parish and owned woods adjacent to the site.
    - There had been a long series of applications and the applicant had played the system. The parish had been ignored.
    - The AONB was supposed to be protected by policy. It was wrong to permit 50 acres of unnatural landscaping. The AONB representative had been appalled by the proposals.
    - The applicant wanted to remove wooden buildings which blended better with the environment.
    - It was not true that access had been denied to Fishponds in order to permit a full hydrological survey. The report mentioned two boreholes in the area when in fact there were four.
    - A local building contractor had refused to take on the construction job following a comment by the applicant that he was trying to get away with as much as he could on the site.
    - The applicant was taking the piss out of the system, process and Committee.
    - Councillor Rowles highlighted the impact on the community.
    - The house sat uncomfortably in the AONB and it was wrong to add further to this.

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- The pursuance of retrospective consent demonstrated disrespect of the planning process.
17. Councillor Clive Hooker reprimanded Councillor James Cole for his choice of language which he felt was not appropriate in a Committee. Councillor James Cole apologised.
  18. In questions to officers, Councillor Jeff Beck noted the omission of an hours of work condition and asked that if the Committee were minded to approve the application that this be inserted.
  19. Councillor Hilary Cole noted that the speakers addressing the Committee had made personal attacks against the integrity of the planning officer and asked for an officer's view on those comments. Derek Carnegie stated that he was Matthew Shepherd's manager and considered him to be an honest and professional officer who had dealt with the case impeccably despite some horrendous abuse in relation to the application. The applicant had chosen not to engage with the community and officers could not enforce this. Planning officers were above influence and would never allow their judgement to be tainted although they accepted that not all parties would be happy with the outcome.
  20. Councillor Abbs asked for more information on the section 106 issue raised by the parish representative. Matthew Shepherd advised that the property was replaced in 2014 and the red line in the current application was consistent with the 2014 application. The 2004 application to which Mr Henderson had referred was never implemented. To refuse the application on the basis of the red line would not stand at appeal. Councillor Abbs asked if there had been an error on a previous application. Matthew Shepherd advised that there possibly had been and he was trying to rectify the issues. Councillor Abbs further asked about the outbuilding that had not been removed. Matthew Shepherd responded that no condition had been applied to require its removal but he couldn't offer further comment on the previous case officer.
  21. Councillor Vickers noted that the blue line bordered Hampshire and asked if the relevant local authority had been asked to comment. Matthew Shepherd advised that it was only necessary to consult on the basis of the red line which was some distance away from the border.
  22. Councillor Vickers asked whether the hydrology report had properly considered upstream issues. Matthew Shepherd queried how far upstream the report would need to analyse. The SUDS officer was satisfied with the report and no evidence had been submitted which contradicted the report. Councillor Vickers noted that the AONB letter stressed the importance of upstream issues. Matthew Shepherd advised that the AONB Board was a landscape consultant and was not best placed to advise on drainage issues.
  23. Councillor Culver asked why a condition to install netting on hedges was recommended when the Council had no policy on netting. Matthew Shepherd explained that it would prevent birds nesting prior to the demolition and therefore ensure they were not harmed. This had been discussed with the ecologist. Derek Carnegie suggested that planning policy matters be discussed with officers in the relevant team.
  24. Councillor Hilary Cole commented that Members were honing in on the Fishponds aspect of the AONB representation but not on the assertion that the AONB and applicant sought to develop a long term relationship.
  25. Councillor Abbs noted that the large fence around the tennis court was missing from the photos displayed at the meeting and asked when they were taken; it was confirmed the photographs were taken in 2018 and the fence was the subject of a separate enforcement case. Councillor Abbs asked if there were any other planning enforcement cases relevant to the site; Mathew Shepherd advised that this was not a

## WESTERN AREA PLANNING COMMITTEE - 3 JULY 2019 - MINUTES

relevant planning consideration. Councillor Abbs made a further comment that some trees on the site had gone missing. Matthew Shepherd reminded Members that they should consider the proposal before them.

26. In commencing the debate Councillor Vickers stated that there had been 23 applications on the site over 15 years which must have cost a significant amount in officer time. There were 58 documents of correspondence. He had sympathy with officers and heard Councillor James Cole's views. He was surprised that Hampshire authorities had not been consulted considering the level they consulted West Berkshire on applications close to the border. Councillor Vickers regularly walked along the footpath and considered the current buildings to be an eyesore. He felt the whole history of the site was a cynical ploy to get around planning issues; this was the applicants long term plan and it made a mockery of the planning system. The only reason for refusal that he could think of was the impact on the AONB and in particular the view from Wayfarer's Walk.
27. Councillor Barnett expressed the view that he had not seen an application more difficult to determine. Some of the language he had heard at the meeting was unbelievable. The application had dragged on. There were inconsistencies, uncertainties and a lack of transparency. It was difficult to find a reason to refuse the application but he did not want to accept it because it would not do the community justice.
28. Councillor Abbs stated that the application gave him a great deal of concern. He deferred to the expertise of officers but was concerned that enforcement issues would continue. He also had safety concerns about the gas pipe. Derek Carnegie reminded Members that they needed sound planning reasons to refuse an application.
29. Councillor Hilary Cole stated that the application should be judged on its planning merits and the Committee should strip out inappropriate and emotional comments. No statutory consultees objected to the application. The AONB Board was not a statutory consultee but their input was welcomed. If the Committee refused the application they could be landed with costs at appeal.
30. Councillor Vickers proposed refusal of the application for the reason of the impact on the AONB, particularly the view from Wayfarer's Walk. This was seconded by Claire Rowles.
31. Councillor Vickers commented that he was also concerned about the ground water and drainage issues. Derek Carnegie reminded him that the council's drainage officer had considered the application acceptable.
32. Councillor Hooker reminded the Committee that the application would lead to the finalisation of symmetry on the site and that the house and Eastern Pavilion had already been approved. The main matter for consideration was the Western Pavilion.
33. The Chairman invited the Committee to vote on the proposal of Councillor Vickers to refuse planning permission contrary to officer recommendation, as seconded by Councillor Rowles. At the vote the motion failed with one abstention by Councillor Abbs.
34. Councillor Hilary Cole proposed acceptance of officers' recommendation to approve planning permission, this was seconded by Councillor Jeff Back. At the vote this motion was passed with two abstentions by Councillors Abbs and Barnett.

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

### Conditions

1. **Full planning permission time limit**

## **WESTERN AREA PLANNING COMMITTEE - 3 JULY 2019 - MINUTES**

The development hereby permitted shall be begun before the expiration of two 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. 106 Agreement**

The use of the ancillary outbuilding hereby permitted shall not commence until the applicant has entered into a variation of the section 106 agreement of application 93/42531/ADD to vary the residential curtilage so that it accurately represents what has been approved under application 14/00590/FUL and 15/03435/HOUSE.

It is recommended that the legal agreements be updated to reflect the red line as it is to avoid further confusion. A refusal reason on this matter would likely be indefensible at appeal as the LPA has already accepted and approved the red line under application 14/00590/FUL and 15/03435/HOUSE. The recommendation of the variation of the 106 agreement regularises this issue.

### **3. Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing title "Site Location Plan ". Drawing number 6038/PLO1 Rev. B.. Date received 14<sup>th</sup> May 2019.
- Drawing title "Site Block Plan as Proposed". Drawing number 6038/PLO3 Rev D. Dated received 14<sup>th</sup> May 2019.
- Drawing title "Existing and Proposed Site Section". Drawing number 6038/PLO4 Rev.C. Date received 14<sup>th</sup> May 2019.
- Drawing title "Proposed West Pavilion- Staff, Home Officer & Garage". Drawing number 6038/13B. Date received 14<sup>th</sup> May 2019.
- Drawing title "Existing East Pavilion Proposed Alterations for Staff Apartment". Drawing number 6038/05A. Date received 14<sup>th</sup> May 2019.
- Drawing title "Existing East Pavilion Proposed Alterations for Staff Apartment, Roof Alterations". Drawing number 6038/06A. Date received 13<sup>th</sup> June 2018.
- Drawing title "Proposed Floor Plans". Drawing number 6038/PL12 Rev. D. Date stamped 14<sup>th</sup> May 2019.
- Drawing title "Proposed Basement Garage and Link Plan". Drawing number 5643/PL08 Rev D. Date received 14<sup>th</sup> May 2019.
- Drawing title "Proposed Roof Alteration". Drawing number 6038/06a. Date received 14<sup>th</sup> May 2019.
- Document title "Design & access statement". Document reference 6038 04s. Date received 14<sup>th</sup> May 2019.
- Drawing title "Proposed drainage strategy plan". Drawing number 6683 – 501a. Date received 14<sup>th</sup> May 2019.
- Document title "Surface Water Drainage Strategy – issue 3 (with appendices) (small) 6683. Date received 14<sup>th</sup> May 2019.
- Drawing title Landscape and Planting Plan. Drawing number uh-283-100. Date received 14<sup>th</sup> May 2019.

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

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### 4. **Materials as specified**

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

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 ADPP 1, ADPP 5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance House Extensions (July 2004).

### 5. **Ancillary Residential Use restriction**

The outbuilding hereby approved shall not be used at any time other than for purposes as domestic ancillary use to the residential use of the dwelling known as Hayward Green Farm. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: To limit the future use of the building to prevent uses which would not be ancillary or incidental to the main dwelling. This condition is applied in the interests of preventing a change of use which would result in an unsustainable pattern of development, and detract from neighbouring and local amenity. This condition is applied in accordance with Policies ADPP1, ADPP5, CS1, CS13, CS14, CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and C6 of the Housing Site Allocations DPD 2006-2026, WBC Quality Design SPD (2006), and WBC House Extensions SPG (2004).

### 6. **Demolition of Garden Store and Garage Building**

No development shall commence until the garden store and Garage building has been fully demolished and all waste removed from site.

Reason- The demolition of the two buildings is used to justify the approved development. Without demolition of these buildings the development would proliferate built form on the AONB not in accordance with policy, 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 House Extensions (July 2004).

### 7. **Landscaping**

Prior to occupation of the pavilion the landscaping scheme shall be implemented in accordance with Drawing titled "Landscape and Planting Plan". Drawing number uh-283-100. Date received 14<sup>th</sup> May 2019.

Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.



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Reason 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 House Extensions (July 2004).

### **8. External lighting (details required)**

No development shall take place until details of the external lighting to be used on the site have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings hereby permitted are occupied. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development. To protect the amenities of adjoining land users and the character of the area. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies ADDP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **9. Removal of spoil**

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies ADPP5, CS14, CS19 of the West Berkshire Core Strategy (2006-2026).

### **10. Ecology Mitigation (implement)**

The mitigation measures described in the Preliminary Ecological Appraisal created by Ecologybydesign shall be implemented in full before the proposed development is commenced and the measures shall thereafter be retained. This measures are as follows;

- The gutter and eaves of the barn should be netted to prevent house martins or swallows nesting there this season. If this is not possible and if birds

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commence nest building they should be left undisturbed until the young have fledged.

- The installation of a barn owl box on a tree at the edge of the woodland to provide a new nesting opportunity for the species.
- Should the development not commence within 2 years of this report a resurvey is recommended due to the potential for the ecological interest of the site to change.

Reason: To ensure the protection of species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **11. SUDS condition**

The Land Drainage and Surface water of the development is to be managed in accordance with the documentation submitted during this application; namely;

- Drawing title "Proposed drainage strategy plan". Drawing number 6683 – 501a. Date received 14<sup>th</sup> May 2019.
- Document title "Surface Water Drainage Strategy – issue 3 (with appendices) (small) 6683. Date received 14<sup>th</sup> May 2019.
- A Hydrology Report (prepared by the British Geological Survey) received 22/05/2018.

This shall include the outfall from the pond at the downstream end of the SW network into the existing watercourse to be restricted by Hydrobrake to no more than 4 litres/second.

Reason: To ensure the protection of land and surface water drainage and ensure it is dealt. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **12. Submission of Engineering and CMS in Relation to Pipeline**

No development shall commence until an Independent Engineering Assessment to confirm the proposed development and method of construction will have no impact on the gas pipeline, has been submitted to and approved in writing by the Local Planning Authority in consultation with the National Grid. Thereafter the approved Assessment shall be implemented and adhered to throughout the entire construction period.

Reason: To ensure the safety of the National Grids utilities Pipeline which runs through the site is not compromised by works. The condition is placed in relation to materials considered in regards to the health and safety of the areas and its occupants. 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).

## **Informatives**

### **HI 3 Damage to footways, cycleways and verges**

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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.

### **HI 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.

### **HI 8 Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

### **Thames Water Informative 1**

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

### **Thames Water Informative 2**

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

### **Thames Water Informative 3**

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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### Landscape Management Plan

The applicant is encourage to engage with the North Wessex Downs AONB board and other relevant stakeholders to produce a estate management plan for the extensive landownership associated with the development to ensure conservation of the AONB landscape into the future.

### National Grid Informative

#### PLEASE READ CAREFULLY

- No buildings should encroach within the Easement strip of the pipeline indicated above
- No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through National Grid.
- National Grid has a Deed of Easement for each pipeline which prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National grid will take action to legally enforce the terms of the easement.
- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advise for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.
- To view the PADHI Document, please use the link below:  
<http://www.hse.gov.uk/landuseplanning/padhi.pdf>
- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22. You should already have received a link to download a copy of T/SP/SSW/22, from our Plant protection Team, which is also available to download from our website.
- To view the SSW22 Document, please use the link below:  
<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>
- A National Grid representative will be monitoring the works to comply with SSW22. To download a copy of the HSE Guidance HS(G)47, please use the following link:  
<http://www.hse.gov.uk/pubns/books/hsg47.htm>
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with

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hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

### Pipeline Crossings

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at locations agreed with a National Grid engineer.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid. National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure. The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission from National Grid is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement including cables

### Cables Crossing

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- An impact protection slab should be laid between the cable and pipeline if the cable crossing is above the pipeline.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service must cross below the pipeline with a clearance distance of 0.6 metres.

### All work should be carried out in accordance with British Standards policy

- BS EN 13509:2003 - Cathodic protection measurement techniques
- BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
- BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications
- National Grid Management Procedures.

*(The meeting was adjourned at 8.30pm)*

### **(4) Application No. and Parish: 18/03340/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham**

*(Councillors Adrian Abbs, Phil Barnett, Jeff Beck and Tony Vickers declared a personal interest in Agenda Item 4 by virtue of the fact that Councillors Abbs was the Chair of Greenham Parish Council, and lived near the Racecourse; Councillor Barnett was a member of Greenham Parish Council and Newbury Town Council Planning and Highways Committee; Councillor Beck was a member of Newbury Town Council*

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*Planning and Highways Committee and Councillor Vickers had previously been a Chair and member of the Greenham Parish Council. They had also been lobbied. 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.)*

*(The meeting reconvened at 8.35pm)*

1. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 18/03340/COMIND in respect of the permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) at Newbury Racecourse, Racecourse Road.
2. In accordance with the Council's Constitution, Mr Ken Neal, Parish Council representative, Mr Raymond Beard, objector, and Ms Catherine Spenser and Ms Catherine Tyrer, applicant/agent, addressed the Committee on this application.
3. Simon Till 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 that the Committee grant planning permission subject to completion of a legal agreement of similar measures to secure that an extant permission for a 123 bedroom hotel was not developed.
4. Mr Paul Goddard that he was not aware of any parking or traffic issues and had not objections to the application.
5. Mr Neal in addressing the Committee raised the following points:
  - Greenham Parish Council (GPC) had received representations from local residents and strongly objected to the proposal.
  - Residents adjacent to the site bought their properties on the understanding that it would be used as a hostel for stable staff.
  - If the temporary use as an hotel were made permanent, then residents would have to deal with noise for most of the year.
  - The proximity of the buildings might be up to statutory standards, but sound echoed and reverberated between them.
  - The recreation area was 25 meters from the Nursery. This business was owned by the Racecourse and therefore would not be objecting to the proposal.
  - He challenged the suitability of having a bar close to a Nursery and accommodation.
  - In conclusion, GPC objected to the proposal as there was a more suitable position for the hotel elsewhere on the site. The recreation area could have been positioned so that it would have had no adverse effect on neighbouring properties.
6. Councillor Jeff Beck asked how many house-holders had approached GPC with their concerns. Mr Neal replied that it had been four or five and that they had moved in prior to the temporary change of use of the hostel.
7. Mr Beard in addressing the Committee raised the following points:
  - He supported the Racecourse and didn't have any issues with them.
  - His core objection was the impact of late night noise and how it disturbed residents. This had been a problem before 2016 and was now a regular feature, particularly when there were larger groups of people in the hostel.
  - Residents had made repeated complaints to the management and Environmental Health. Some residents had even shouted from their homes.

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- The acoustic test was not conducted externally.
  - The noise reverberated between the two buildings.
  - The social area faces the houses, but could be repositioned so it did not impact on residents.
  - When people exited the hotel they encroached closer to the residents homes.
  - The hotel was effectively a pub, and management controls used to abate the noise of customers had not been effective. He had been disturbed at midnight on Monday, until staff addressed the matter.
  - The hotel reception was away from this area of the building and therefore had no effective control over its customers.
  - The Racecourse had not liaised or consulted with neighbours on the change of use, only on the extension.
  - This was an unsatisfactory departure from a carefully worked out development, whereas the rest had been synched and phased. The hotel would be better placed elsewhere on the site, with the social area away from residents. This would also preserve the building for the community.
8. Councillor Phil Barnett asked how many houses were close to the hotel. Mr Beard confirmed that there were 12 houses and 13 apartments; all of which had bedrooms overlooking The Lodge.
9. Councillor Tony Vickers asked for clarification on his comments on the community use of the hostel. Mr Beard explained that there were community events, such as walks on the Racecourse and also at Christmas time.
10. Councillor Barnett further inquired as to when the speaker moved into his property. Mr Beard confirmed that it was when The Lodge was still used purely by stable staff.
11. Ms Tyrer in addressing the Committee raised the following points:
- The Lodge had originally been used for stable staff, but in practice the staff either travelled home or stayed in other accommodation on the site. This meant that the hostel was not being used to its full capacity.
  - If the Committee were minded to approve the application, she felt that the hotel would be beneficial to the local economy. It would allow the Racecourse to provide high quality accommodation to visitors on race days and throughout the year, whilst still providing a social space for the community to use, for example for the mother and baby group.
  - The residents concerns had been recognised and there was a condition recommended for a noise management plan, which the Racecourse was happy to comply with. They would ensure that The Lodge would not encroach on the amenity of the residents.
  - It was clear that there could be a number of issues with building houses next to a commercial venture, however it was generally thought that hotels were compatible with residential areas.
12. Ms Spencer in addressing the Committee raised the following points:
- She had managed The Lodge for three years. She welcomed the local amenities provided in The Lodge, such as the café. Residents received discounted room rates and drinks and food in the café.

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- The Racecourse was seeking a permanent change of use to ensure commercial viability and to make best use, the whole year round, of the site.
  - The average occupancy rate was 80%, with the highest demand being from business people on week days. There was now insufficient on-site accommodation.
  - The Racecourse was more than compliant to the British Horseracing Authority's (BHA) requirement for stable staff accommodation to be provided during the day and overnight.
13. Councillor Hilary Cole remembered being on the site visit for the original application for changing the use of The Lodge from hostel to hotel. She wondered where the alternative accommodation for the stable staff was sited.
  14. Ms Spencer confirmed that there had always been eight beds in the stable yard. Some staff preferred these as they were closer to the horses. Councillor Cole challenged why, if the amount of space was adequate, was the use of the hostel changed. Ms Spencer noted that eight rooms alone was not adequate. Ms Tyrer asked that Members looked at this proposal on its own merits.
  15. Councillor Vickers reflected that he was not aware of the community use of the café and was impressed that it was in place. He wondered if the Racecourse would be prepared to accept a condition so that this would continue in a defined way. Ms Spencer replied that it was a mutually beneficial arrangement. Ms Tyrer commented that the current situation was working successfully and was not sure that it would need to be conditioned.
  16. Councillor Adrian Abbs inquired whether the noise evaluation had been based on the existing environment or included the extension proposed in the following application. Ms Tyrer asserted that the extension was included.
  17. Councillor Beck remarked that he was aware that over the years there had been a number of noise complaints and that the noise levels had not been as good as they should be. He believed that residents had contacted the Racecourse rather than alerting Environmental Health. He asked that if the Committee were minded to approve the application that the Racecourse could assure Members that they would adhere to the management plan and that the noise problem would not be a constant battle for residents.
  18. Ms Tyrer observed that The Lodge currently had no noise management plan in place, but that it would be a requirement for the hotel and that the council could enforce against it. The Lodge had self-imposed a curfew of 10pm, had put obscure film on the windows and had increased planting to reduce overlooking.
  19. Councillor Clive Hooker wondered what priority was given to the stable staff. Ms Spencer explained that stable staff were always given priority over other guests. She would know well in advance how many rooms were needed for race days. Councillor Abbs asked Ms Spencer to explain the process. She answered that a block booking would be made and only when it became apparent that the rooms would not be needed would they be made available to the public.
  20. Speaking as Ward Member, Councillor Barnett raised the following points:
    - Unfortunately, the situation was very different from the original plan for the development. The stable staff's accommodation was now a fully-fledged hotel, especially when considered alongside the next application for an extension.



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- The committee had heard that The Lodge was at 80% capacity, but there was a considerable amount of extra beds available in Newbury, and he wondered whether there was a need for more or if this was an extra revenue stream for the Racecourse.
  - The Members had heard from Mr Neal and Mr Beard how the quality of life of surrounding residents might be affected by the evening customers. Residents should expect to be able to open their doors and windows at night and not hear loud conversations.
  - If this application was approved, he would expect proper controls to be put in place, with a stringent condition imposed on noise and the number of people who could access the social area.
21. Councillor Abbs asked if there were any physical sound barriers, or plans to erect any, to mitigate the noise. Simon Till noted that no physical barriers were included within the planning application or envisioned in the noise management plan. Councillor Abbs observed that the line of travel for sound was unimpeded from The Lodge to the residents. Simon Till commented that it was, apart from some hedging.
  22. Councillor Beck asked for clarification that if the application were approved, could a condition be applied to prevent the building out of the 123 bed hotel with extant permission, in perpetuity. Simon Till explained that the proposal before the Committee would secure a section 106 legal agreement to prevent development of the 123 bedroom hotel with extant permission on the Racecourse site. If another proposal was put forward for another hotel on the site, then this would be considered as normal. Sharon Armour added that a subsequent application could vary such a legal agreement, but would be subject to its own particular set of considerations.
  23. Councillor Howard Woollaston asked officers to indicate on the presentation where the social area was. He further enquired if the existing hotel plan had been given approval. Simon Till confirmed that there was an extant permission for the 123 bedroom hotel scheme and indicated that this hotel had permission to be developed close to Challow House, at a distance of 25 meters from its western elevation.
  24. Councillor Abbs noted that if the social area had been placed alongside the bar, facing the racecourse, it would have had less impact on residents. Simon Till explained that there were similarly uninterrupted paths for noise to travel from this area to nearby residential apartments to the east, and also noted that there was no noise management strategy for the extant hotel permission.
  25. Councillor Beck observed that he had lived through the development of the Racecourse site and The Lodge. Ms Spencer had mentioned that the community used the café and he had seen painting classes taking place. He accepted that there had been problems, but was hopeful that the conditions placed on the permission would mitigate them. He encouraged residents to not be shy and to contact Environmental Health officers if they were disturbed. He proposed to accept the officer's recommendation and grant planning permission. This was seconded by Councillor Vickers.
  26. Councillor Vickers contemplated that he had had his concerns when he was a member of GPC, however he had since revised his view. He was pleased to hear about the use of the facility by the community and looked forward to growth in this area. West Berkshire residents had urged him to deal with the Racecourse more firmly, and he asked that a condition be applied that kept the facility open for community use and not just for visitors. Environmental Health officers would be able to enforce the noise management plan.

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27. Councillor Cole supported the recommendation but noted that it was another example of an application being submitted for one use and then subsequently being changed. On the original site visit Members were told that the yard accommodation would be demolished when the hostel was built. She believed it was self-evident from the luxurious nature of the hostel fittings that this was intended to be a hotel all along. However, she was aware that it would contribute to the local economy.
28. Derek Carnegie agreed that officers would draft an additional condition around community use in discussion with Councillor Vickers.
29. Councillor Abbs expressed concern as he was unconvinced with the noise mitigation. He felt that the outdoor seating area could easily have been moved and that not enough had been done to take account of resident's needs.
30. The Chairman invited the Committee to vote on the proposal of Councillor Beck, seconded by Councillor Vickers, to accept officer's recommendation and grant planning permission. 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 below and to an acceptable section 106 legal agreement or other means of securing that the 123 bedroom hotel consent is not constructed being agreed by officers, or that in the event that an agreement was not reached that planning permission be refused for the following reason:

"The application is not accompanied by sufficient information or a sequential test to demonstrate that it would result in provision of hotel accommodation (a town centre use) in an appropriate location and at a justified amount. Furthermore, due to the extant consent for a 123 bedroom hotel on the racecourse site the proposed works would result in an over-provision of hotel accommodation in this location without justification of local need. The proposed works are therefore contrary to the requirements of paragraph 84 of the National Planning Policy Framework and Policy CS9 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, requiring that proposals for new business development should not conflict with existing uses."

### Conditions

1. All vehicular access to the hostel/hotel shall be via the east from the new racecourse bridge as shown on location plan drawing reference 4385 SK20. At no time shall any traffic, including deliveries, be directed to arrive or leave via the western access through Stroud Green.

Reason: To ensure the amenity of residents in the western area are respected having regard to traffic movements in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

2. The external lighting to the hotel shall be switched off no later than 11pm daily and shall not be operated before 7am.

Reason: In the interests amenity of preserving the amenity of adjacent residential occupants in accord with policy CS14 in the West Berkshire Local Plan Core Strategy (2006 to 2026) 2012.

3. Within 1 month of the date of this decision a noise management plan shall be submitted to the local planning authority, for written approval, that sets out how noise from the following sources will be controlled to protect residents living close to the site from noise and disturbance:

- Noise from guest and other users of the hotel
- Noise from people using the outside seating area to the west of the restaurant bar

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- Noise from service vehicles and delivery operations

The measures identified in the approved noise management plan shall be implemented and maintained upon approval of those details and thereafter.

Reason: To protect residential amenity in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

4. Condition regarding community use of facilities in hostel to be confirmed following discussions between agent and officers

### **(5) Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham**

*(Councillors Adrian Abbs, Phil Barnett, Jeff Beck and Tony Vickers declared a personal interest in Agenda Item 5 by virtue of the fact that Councillors Abbs was the Chair of Greenham Parish Council, and lived near the Racecourse; Councillor Barnett was a member of Greenham Parish Council and Newbury Town Council Planning and Highways Committee; Councillor Beck was a member of Newbury Town Council Planning and Highways Committee and Councillor Vickers had previously been a Chair and member of the Greenham Parish Council. They had also been lobbied. 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.)*

1. The Committee considered a report (Agenda Item 4(5)) concerning Planning Application 19/00225/COMIND in respect of the erection of a three storey extension to the front elevation of The Lodge to provide additional rooms at Newbury Racecourse, Racecourse Road.
2. In accordance with the Council's Constitution, Mr Ken Neal, Parish Council representative, Mr Raymond Beard, objector, and Mr Julian Thick and Ms Catherine Tyrer, applicant/agent, addressed the Committee on this application.
3. Simon Till 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 that the Committee grant planning permission subject to completion of a legal agreement or similar measures to secure that the extant permission for a 123 bedroom hotel was not developed.
4. Mr Paul Goddard noted that the 2009 planning application traffic assessment had included a 123 bed hotel. This proposal was for a 76 bed hotel. He therefore had no concern regarding the volume of traffic. A parking survey had been submitted, and on non-race days there was a surplus of parking spaces, but on race-days there might be cause for concern. However if the race-goers and stable staff were staying on-site, then this would be acceptable.
5. Mr Neal in addressing the Committee raised the following points:
  - Greenham Parish Council (GPC) objected strongly to the proposal. The Racecourse have been unable to address the noise problem and he suggested that this application was premature, as the company needed to show they could control the amount of noise produced by their customers.
  - The extension, although further away from the Nursery, would be directly overlooking it, rather than at an angle. The use of the recreation area, would cause further problems.

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6. Councillor Tony Vickers suggested that the time the children attended the Nursery would not coincide with when The Lodge would be in use. Mr Neal explained that the extension would enable the Racecourse to cater for conferences during the day and for race days.
7. Mr Beard in addressing the Committee raised the following points:
  - He expressed the view that the application was premature, as the controls used by the Racecourse to mitigate the noise had not proven effective.
  - The consultation in October 2018 gave residents the chance to comment on the layout, however no changes had been made to the plans at all to reflect the wishes of the neighbours.
  - The bedrooms were small, as were the kitchen and dining area. It was therefore inevitable that customers would spill out into the entertainment areas. The bar was licensed to 2am and consequently there would be outside, late night activity.
  - As the hotel was the centre of the development, there should be a sequential assessment, including the increase in the number of rooms.
  - Vehicular access via Stroud Green would encourage people to take the shorter route, rather than using the new bridge. Taxis were already using this route and parking in the children's parking area to drop off/pick up fares.
  - Residents near the over-flow car park had raised concerns that taxis were using the noisy gravel car parks to the east of Chatham House.
  - The intention was that taxis would use car park 2. He asked that some prohibition be put in place to enforce this.

*(At 9.50pm, the Chairman raised the need to defer the last two applications to a later meeting, and that under Rule 7.6.2, this meeting should be allowed to continue to 10.30pm to allow for the conclusion of the discussion and a decision to be taken on this application. Councillor Hilary Cole proposed the motion, which was seconded by Councillor Jeff Beck and agreed by the Committee)*

8. Ms Catherine Tyrer in addressing the Committee raised the following points:
  - The extension would be located to the north of the car park and therefore not visible to existing residents.
  - The extra space would enable the Racecourse to host mid-sized conferences and events. The application included a noise management condition.
  - The proposed extension was 50 meters from the Nursery and would have no adverse impact. The general rule of thumb was 21 meters.
  - Newbury Racecourse was a premier sporting venue and this extension would enable it to continue to be financially viable.
9. Mr Julian Thick in addressing the Committee raised the following points:
  - The hotel in the original plan would have required an investment of £20 million. The housing development on site had given the Racecourse £42.6 million, and they had chosen to invest this in the racing infrastructure of the site, rather than gamble it on a hotel enterprise.
  - This proposal was a very effective way of providing a hotel on the site. The Lodge currently provided a vibrant public are, where residents had access to discounted facilities and events.

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- People using the Nursery were encourage to use the café.
  - The applicant was happy to increase the number of trees planted, if that was what was needed.
10. Councillor Cole noted that in the previous presentation, Ms Tyrer had stated that The Lodge was at 80% occupancy. She wondered whether this was because the hotel was too small, and what the anticipated occupancy rate would be. Mr Thick projected that in two years the occupancy rate would be 75%-80%. Councillor Cole further enquired if rooms would still be block-booked for stable staff. Mr Thick confirmed that this practice would continue.
  11. Councillor Claire Rowles noted that 16 parking spaces would be lost to the extension, and asked how the increase in vehicles on race days would be managed with fewer spaces available. Mr Thick explained that there was a professional parking management team on site on race days, and it was not a problem.
  12. Mr Thick further commented that bedrooms were priced higher on race days as people wanted the privilege of being close to the horses and riders. He was therefore confident that guests would be staying on site to enjoy the atmosphere.
  13. Councillor Tony Vickers asked if there was a solution to Mr Beard's concern over taxi drivers using the short route via Stroud Green. Mr Thick explained that the Racecourse could point out a preferred route, but the reality was that the taxis are on public roads and there was no legislation that could control this behaviour.
  14. Speaking as Ward Member, Councillor Barnett raised the following points:
    - Councillor Phil Barnett had hoped that the courtyard would be left open, but he could see the logic of having the hotel in a central location as it would be more attractive to race-goers.
    - Members of GPC objected to the proposal as they were keen to see the original plan taken forward.
    - He acknowledged the logic, but concluded that it was not going to have a good effect on the quality of life of the residents.
  15. Councillor Vickers asked Paul Goddard to comment on the concerns with taxis. Paul Goddard concurred that the applicant could encourage drivers to take the preferred route, but he felt that the numbers were so small that it was not a problem and it had to be accepted that some taxis would take the shorter route.
  16. Councillor Adrian Abbs asked if the report contained information on the carbon offset, as he was unable to find it. Simon Till explained that the extension would comply with the BREEAM (Building Research Establishment Environmental Assessment Method) Excellent Standard, which required a high standard of construction and energy efficiency.
  17. Councillor Rowles asked for confirmation that there would be electric vehicle charging points and cycle storage, which was given by Simon Till.
  18. Councillor Beck was very happy to propose to accept officers recommendation grant planning permission, in the interest of the Racecourse development and its part in the economy of West Berkshire. Any potential disadvantages were outweighed by the advantages.
  19. Councillor Abbs opined that this was a missed opportunity and that residents' views had not been taken into account. There had been a second chance to move the outdoor seating area which had been lost. The increase in noise that residents would

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have to suffer from having people in the hotel for 365 days a year had now been doubled.

20. Councillor Cole seconded Councillor Beck's proposal.

21. The Chairman invited the Committee to vote on the proposal of Councillor Beck, seconded by Councillor Cole, to accept the officer's recommendation and grant planning permission. At the vote the motion was carried.

**RESOLVED that** the Head of Development and Planning be authorised to **grant** planning permission subject to the conditions below and to an acceptable section 106 legal agreement or other means of securing that the 123 bedroom hotel consent is not constructed being agreed by officers, or that in the event that an agreement was not reached that planning permission be **refused** for the following reason:

"The application is not accompanied by sufficient information or a sequential test to demonstrate that it would result in provision of hotel accommodation (a town centre use) in an appropriate location and at a justified amount. Furthermore, due to the extant consent for a 123 bedroom hotel on the racecourse site the proposed works would result in an over-provision of hotel accommodation in this location without justification of local need. The proposed works are therefore contrary to the requirements of paragraph 84 of the National Planning Policy Framework and Policy CS9 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, requiring that proposals for new business development should not conflict with existing uses."

### **Conditions:**

1. Three years for commencement

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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. Approved drawings

The development hereby approved shall take place in accordance with the following approved drawings:

SK20, SK23, SK27, SK28, SK29, SK30, SK33, SK34, SK35, SK36, SK37.

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

3. Materials

The external materials to be used in the approved extensions shall match those used in the existing lodge and shown on the approved drawings.

Reason: In the interests of visual amenity in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

4. Construction management plan

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

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- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if any)
- e) Wheel washing facilities
- f) A scheme for recycling/disposing of waste resulting from demolition and construction works
- g) HGV haul routes
- h) the control of noise
- i) the control of dust, smell and other effluvia;
- j) the proposed method of piling for foundations (if any);
- k) hours during the construction when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site

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 (July 2018), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policies OVS6 and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 5. Parking in accordance with drawings

The development hereby approved shall not be occupied until the parking has been provided in accordance with the approved drawings. The parking area shall thereafter be retained and kept available for the parking of motor vehicles.

Reason: In order to ensure that the site is provided with sufficient parking in accordance with the NPPF, Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy TRANS1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### 6. Cycle storage

The development hereby approved shall not be occupied until details of motorcycle parking and cycle storage to be provided on the site have been submitted and approved under a formal discharge of conditions application. The development shall not be occupied until the motorcycle parking and cycle storage have been provided in accordance with the approved details. The motorcycle parking and cycle storage shall be retained and kept available for the parking of cycles and motorcycles thereafter.

Reason: To ensure that the site is provided with sufficient storage for cycles and motorcycles to reduce reliance on the private motor car in accordance with the NPPF and Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### 7. Electric vehicle charging points

The approved extensions shall not be occupied until details of electric vehicle charging points have been submitted and approved under a formal discharge of conditions application. The electric charging points shall be installed in accordance with the approved details and shall be retained for charging electric vehicles thereafter.

Reason: In order to facilitate the increased use of electric vehicles in order to reduce reliance on other fuel sources and in order to provide a sustainable form of development in accordance with the requirements of the NPPF and Policy P1 of the West Berkshire Housing Site Allocations DPD (2017).

### 8. BREEAM

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The extension hereby approved shall not be taken into use until a post construction review demonstrating that the extension has achieved a BREEAM "Excellent" standard of construction has been submitted and approved under a formal discharge of conditions application.

Reason: In order to meet with the requirement for sustainable construction in accordance with the NPPF and Policies CS14 and CS15 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### 9. Hours of construction work

No work relating to the development hereby approved, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or public holiday.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### 10. Noise from mechanical plant

The sound rating level (established in accordance with BS4142:2014) of any plant, machinery and equipment installed or operated in connection with this permission, shall not exceed, at any time, the prevailing background sound level at the nearest residential or noise sensitive property.

Reason: In the interests of amenity of residential occupants and hotel guests in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### 11. Drainage/SuDS

No occupation of the building relating to this application shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- f) Include a SuDS management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and



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maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;

- g) the implications of any flooding, in particular any exceedance from the site, must be considered and evidence provided that this could be contained within land in the control of the applicant.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), The West Berkshire SuDS Supplementary Planning Document (2018), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

- (6) Application No. and Parish: 19/00577/FULD, 6 Northwood Drive, Newbury**

This item was deferred to a future meeting, date to be confirmed.

- (7) Application No. and Parish: 18/03398/HOUSE, Winterley House, Kintbury**

This item was deferred to a future meeting, date to be confirmed.

**12. Appeal Decisions relating to Western Area Planning Committee**

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

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

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

<b>Item No</b>	<b>Application No. and Parish</b>	<b>8/13 week date</b>	<b>Proposal, Location and Applicant</b>
(1)	18/02575/HOUSE Newbury	23 November 2018 Extension of time 31 July 2019	Demolition of existing outbuildings and garage, new extension linking to house comprising double garage, store and family room with bedrooms above and attic den.  The Gardeners Cottage, Tydehams, Newbury  Mr and Mrs Arnold

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/02575/HOUSE>

**Recommendation Summary:**            **The Head of Development and Planning be authorise to grant planning permission**

**Ward Members:**                            Councillor A. Abbs  
    Councillor D. Marsh  
    Councillor A. Vickers

**Reason for Committee Determination:**            More than 10 letters of objection

**Committee Site Visit:**                    Thursday 18<sup>th</sup> July 2019.

<b>Contact Officer Details</b>	
<b>Name:</b>	Ms Lydia Mather
<b>Job Title:</b>	Senior Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	<a href="mailto:lydia.mather@westberks.gov.uk">lydia.mather@westberks.gov.uk</a>

## 1. Site History

104197, 1976, approval of alterations and new building work to extend existing dwelling.

132392, 1988, approval of renovation of external stores to form training room, changing room, workshop and double garage.

## 2. Publicity of Application

Site Notice Expired: 29 October 2018

## 3. Consultations and Representations

### Newbury Town Council:

Objection. Matters raised:-

This proposal is for a three-storey extension of 4500 square feet to a two-storey house of 2800 square feet, which would be equipped as if it were a new dwelling. It would be disproportionate to the present dwelling. Fronting onto Tydehams, it would damage the spacious and open appearance characteristic of the road. Any extension should be constructed into the garden and not along the Tydehams frontage, which would constitute a bad precedent. The proposed use of render would be incompatible with the neighbouring properties. The neighbouring Brockwell House would be faced with a wall of 600 square feet two metres from their dwelling.

### Highways:

No objection.

### Tree Officer:

No objection.

### Archaeology:

No objection.

### Natural England:

No comment to make.

### Ecology:

No objection subject to condition following receipt of full dawn and dusk bat emergence survey.

### Correspondence:

10 letters of objection. Matters raised include:-

Extension of a size that is it capable of being a separate dwelling; resulting floorspace would be more than double and extension is not subservient to existing dwelling; the length of extension along the boundary in close proximity to Brockwell House impacting on the occupants amenity and causing a loss of gap between properties that would harm the character of the area and impact on the streetscene; proposed external materials are out of keeping with other properties and increases the prominence of the extension; the size, design and massing are not in keeping with that of the surrounding development; light pollution from the rear elevation glazing; and loss of parking area to the front of the property.

## 4. Policy Considerations

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 The statutory development plan comprises:-

The West Berkshire Core Strategy 2006-2026  
Housing Site Allocations Development Plan Document 2006-2026  
The West Berkshire District Local Plan Saved Policies 2007  
The South East Plan 2009 Policy in so far as Policy NRM6 applies  
The Replacement Minerals Local Plan for Berkshire 2001  
The Waste Local Plan for Berkshire 1998

4.3 The following Core Strategy policies carry full weight and are relevant to this application:-

National Planning Policy Framework Policy  
Area Delivery Plan Policy 1: Spatial Strategy  
Area Delivery Plan Policy 2: Newbury  
CS 1: Delivering New Homes and Retaining the Building Stock  
CS 13: Transport  
CS 14: Design Principles  
CS 17: Biodiversity and Geodiversity  
CS 18: Green Infrastructure  
CS 19: Historic Environment and Landscape Character

4.4 The Housing Site Allocations Development Plan Document policies carry full weight and are relevant to this application:-

C1: Location of New Housing in the Countryside  
P1: Parking Standards for Residential Development

4.5 The saved policies of the West Berkshire District Plan carry due weight according to their degree of conformity with the National Planning Policy Framework. The following saved policies are relevant to this application:-

TRANS.1: Meeting the Transport Needs of New Development  
OVS.5: Environmental Nuisance and Pollution Control  
OVS.6: Noise Pollution

4.6 Other material considerations include government guidance, in particular:-

The National Planning Policy Framework 2019  
The Planning Practice Guidance Suite  
Manual for Streets  
Conservation of Habitats and Species Regulations 2017

- 4.7 In addition the following locally and regionally adopted policy documents are material considerations relevant to this application:-

Supplementary Planning Document: Quality Design 2006  
Supplementary Planning Document: Sustainable Drainage 2017  
Supplementary Planning Guidance: House Extensions

## 5. Procedural Matters

- 5.1 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations extensions to dwellings are liable for CIL where they increase internal floor space by 100m<sup>2</sup> or more.

## 6. Description of Development

- 6.1 The proposal includes demolishing the single storey building which is detached from the main house and comprises double car port and 2 store rooms/garaging, as well as a garden shed to the rear of the property and the hedge on 2 sides of it. Over the majority of the footprint of the garaging building would be a two storey extension which would join the existing dwelling approximately half way along the front east elevation.

- 6.2 The form of the extension is difficult to describe. In general terms it would be at right angles from approximately the centre of the existing dwelling which runs north/south. The part of the extension closest to the eastern boundary would protrude slightly to the front elevation and be slightly greater in height than both the existing dwelling and the other parts of the extension. To the rear of the proposed extension there is a single storey element closest to the eastern boundary. There would also be a gap between the existing dwelling and west side of the proposed extension (behind the link section joining them together).

- 6.3 In terms of measurements:

Extension footprint: 145.8 m<sup>2</sup>;  
Extension maximum height: 8m;  
Extension height to eaves: 5m;  
Extension proximity to east boundary at closest point: 4.5m;

Footprint of existing dwelling and garage building 209.5 m<sup>2</sup>;  
Height of existing dwelling: 7.7m;  
Height of existing eaves: 5m;  
Proximity to east boundary of existing garage building: 1m;

Total footprint of the retained existing and the proposed extension: 310m<sup>2</sup>.

- 6.4 Also shown on the plans is an area of stone paving to the rear of the extension and a new close-boarded fence and pedestrian gate access of 1.8m height running from the east elevation of the proposed extension to the boundary.

- 6.5 The proposed materials are: Render to extension and existing dwelling walls above damp proof course, below that multi- red brick; plain clay roof tiles to match existing

with lead coloured Samofil; white upvc window frames; timber frame and aluminium powder coated external door frames.

- 6.6 The internal layout would provide a double garage, living room, dining room, shower room, hallway and staircase at ground floor level. On the first floor would be 2 additional bedrooms with en-suites and walk-in wardrobes, landing, and staircase to attic storage and den. The extended property would have a total of 7 bedrooms and 5 bathrooms (including the shower room at ground floor).

## **7. Consideration of the Proposal**

### PRINCIPLE OF DEVELOPMENT

- 7.1 Policy ADPP1 of the Core Strategy directs new development to within settlement boundaries. Policy C1 of the Housing Site Allocations DPD states that there is a presumption in favour of development within the settlement boundaries listed. The site is within the settlement boundary of Newbury, the main urban area of the district. The principle of a house extension is therefore established under development plan policies ADPP1 and C1.
- 7.2 A matter raised in the correspondence received on the application was that the extension is of a size and design that it could be a separate dwelling. The application has been made under a householder application, which the Development Management Procedure Order defines as being for development to an existing dwellinghouse or within the curtilage of a dwellinghouse for any purpose incidental to it. It does not include applications for change of use or to change the number of dwellings in a building.
- 7.3 Were the extension proposed to be occupied separately from the existing dwelling a change of use under a full planning application would be required. Similarly if the extension were to be granted planning permission and subsequently occupied as a separate dwelling then such occupation would be in breach of planning and open to planning enforcement action.

### DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

- 7.4 The site is in an area of potential archaeological interest. The Council's Archaeologist was consulted on the application. They advised no objection to the proposed extension. They note that part of the Gardeners Cottage proposed to be demolished appears to have been an outbuilding to the adjacent Brockwell House. It may be shown on the 3rd Epoch OS map of 1911, when the larger property was called Red House. Where there have been several alterations since, including the erection in the later 20th century of Red House Cottage, and then the evolution of Gardeners Cottage the Council's Archaeologist does not believe there are any archaeological implications to the proposal.
- 7.5 A number of development plan policies relate to design and impact on the character of the area. Policy ADPP1 states that the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings.
- 7.6 Policy CS14 states that in demonstrating good design this relates not only to the appearance of a development, but the way in which it functions. Considerations of

design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.

- 7.7 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of landscape character, with particular regard to the sensitivity of the area to change, and to new development being appropriate in location, scale and design in the context of the existing settlement form, pattern and character. Policy CS19 also requires development to have regard to the Quality Design Document which identifies the area immediately around the site and Tydehams as semi-rural.
- 7.8 The Supplementary Planning Guidance on house extensions states that they should be designed in relation to the whole street or group of surrounding buildings. In terms of design it states that an extension should reflect and add to the appearance of the house and its surroundings. In general it states that extensions should be subservient to the existing dwelling and not dominate the original.
- 7.9 As noted by the Council's Archaeologist, and raised in letters of objection, the site used to be part of Red House, now Brookwell House. Brookwell House, Monk's View and Tydehams Corner show on pre-1974 maps. The other dwellings around Brookwell House, on the private road off Tydehams and including the application site, are subsequent developments.
- 7.10 These developments are fairly typical of the semi-rural character identified in the Quality Design document as: detached 2 - 3 storey dwellings; at irregular intervals; of individual and varying styles; located off a main road; set back from footways with hedging on boundaries; parking and driveway within the setback; generous gardens with mature landscaping; a variety of materials which sometimes included painted render; generally pitched roofs; and part of a transition from more urban to rural character.
- 7.11 For the area around the site, Brookwell House is set such that the front elevation fronts the highway, whilst Gardeners Cottage, Long Acre to its north, Bay Tree House to its west are at an angle to the highway. There is no defined building line or particular pattern in the siting of the dwellings in their plots.
- 7.12 In this context the proposed extension would be set back from the highway, more so than parts of the existing dwelling. Whilst it would have a somewhat complicated roof form, the roof maintains the pitch and hipped roof of the existing dwelling. It would also have similarly sized window openings and pattern of fenestration as the existing dwelling, with the exception of the south rear elevation. There is no architectural detailing on the existing property that would be desirable to be maintained or replicated on the proposed extension.
- 7.13 With regard to external materials these would match with the notable exception of the walls which are proposed to be rendered on the whole of the property. It is understood that no other property off the private road is rendered, although there is at least one example along Tydehams. As there is no particular architectural detailing that is desirable to be retained, and as painted render is identified as a material used in semi-rural character areas such as this, the case officer is of the opinion that render is acceptable given the context of the irregular and low density pattern of development. A condition requiring specific details of the render can be



applied to control the type and colour of the render. Overall the siting and design of the proposed extension are considered in accordance with the development plan policies, documents and guidance.

- 7.14 With regard to the impact of the development on the semi-rural character of the area objections include the loss of gap between Gardeners Cottage and Brookwell House, that the extension should be to the rear of the property, and that the floorspace, height, scale and massing of the extension is disproportionate to the existing dwelling.
- 7.15 In terms of the gap, at 4.5 metres from the east side boundary the extension will be a lot closer than the 18 metre gap from the boundary to the two storey existing dwelling and will close off part of the street view over the existing garage building. However, 4.5 metres separation from the boundary would still be clearly within the site and not result in an urbanising terracing effect with Brookwell House. The mature landscaping towards the highway in-front of both properties would also continue to separate the two properties when viewed from the highway.
- 7.16 With regard to the extension not being located to the rear of the property, the application is to be determined as presented. The proposed location is relatively enclosed. It would not be particularly visible from the west as it is set behind the existing dwelling, and there is mature landscaping to the east boundary. The extension would also be set 21 metres back from the highway.
- 7.17 The Council's development plan policies do not include a floor space limit on extensions. There is also no policy requiring development to specifically maintain certain features of existing housing developments. There are guidelines on house extensions and the types of factors to be considered.
- 7.18 This guidance states that normally the basic shape and size of the extension should be subservient. In this instance the extension is not subservient in terms of height or footprint, but the guidance does not preclude this. The guidance states that the pitch of the extension roof match the existing main roof, which is the case with this application. With regard to front extensions the guidance states that larger front extensions may be acceptable where the dwelling is detached and set well back from the road in a good sized plot, where there are a number of similar extensions in the immediate area or where an adjoining dwelling or garage already projects to the front. In this instance the extension is to the front of the dwelling but to the side of the plot. The dwelling is detached and set well back from the road and in a good sized plot. It does not project forward towards the road.
- 7.19 It is acknowledged that the extension is large in footprint and size. However, due to the siting of the extension, the size of the overall plot, and the setback of the extension from the highway, the proposal is not considered to result in an overly dominant dwelling that would harm the character of the semi-rural area or be contrary to development plan policies and guidance on design and character. A condition for details of the specification of the render would be applied. With this the proposal is considered in accordance with development plan policies on design and character of the area.

## AMENITY

- 7.20 Policy CS14 states that development make a positive contribution to quality of life. The supplementary planning document, Quality Design, and guidance on House Extensions includes factors to consider with regard to overlooking, loss of light, and private garden sizes.
- 7.21 The site is a large plot and the proposed extension would not result in a reduction of useable private garden area that would be below the 100m<sup>2</sup> identified in the Quality Design SPD.
- 7.22 The proposed extension would not have any first floor east side elevation windows that might overlook Brockwell House. There are no other properties within the 21 metres identified in the Quality Design SPD that might otherwise be affected by direct overlooking from the proposed extension.
- 7.23 With regard to loss of light and overshadowing the extension would be to the west of Brockwell House. The extension would be sited roughly forward of and alongside the single storey part of Brockwell House closest to the boundary, understood to be garaging and storage. The part of Brockwell House to the rear of the garaging and set further from the boundary with windows facing the boundary would not be in-line with the extension. The siting of the proposed extension is therefore considered not to result in loss of light or overshadowing of the dwelling of Brockwell House. The extension will cause some additional overshadowing in the afternoon/evening towards the front garden/driveway and garaging, but would not affect the main private garden area of Brockwell House.
- 7.24 Overall the impact on the amenity of Brockwell House, whilst it would be visible, would not result in direct overlooking, loss of light into the dwelling, or overshadowing that would be harmful in impact when considered against the Quality Design and House Extension guidance.

## HIGHWAYS

- 7.25 Policies TRANS.1 and CS13 of the Core Strategy relate to highways considerations, and policy P.1 of the Housing Site Allocations DPD sets out the parking requirements for residential development. Highways have been consulted on the application and raise no objections with regard to traffic impacts and onsite parking provision. As such the proposal is considered in accordance with development plan policies on highways matters.

## BIODIVERSITY

- 7.26 Policy CS17 of the Core Strategy requires biodiversity assets to be conserved and enhanced. As part of the proposal involves demolition a Phase 1 ecological assessment was submitted. This indicated that there were bats on site and an extension of time was agreed for detailed dawn and dusk emergence surveys to be undertaken, which can only be done between May and August.
- 7.27 The submitted survey found the roof voids to the existing dwelling had evidence of bat activity, whereas the garage building and garden shed proposed to be demolished had no evidence of bats and limited potential to host bats. The dusk

emergence and dawn re-entry surveys recorded passes of 4 different species of bats through the site. The bat day roost on site is not considered by the ecologist who undertook the survey to be affected by the proposed development.

- 7.28 The recommendations of the ecological report were that a bat box be installed on a nearby tree before any works to commence so that it can be used for any bats found during the works. The bat box shall be retained after the works to provide additional ecological enhancement. Furthermore, a working method statement to ensure any bats found are not harmed shall also be followed during the works. With regard to nesting birds, hedge and vegetation removal shall either not be undertaken between April and August, or hedges and vegetation are to be inspected prior to removal. The bat mitigation and enhancement measures can be secured by conditions and with these the development is in accordance with policy CS17.

## GREEN INFRASTRUCTURE

- 7.29 Policy CS18 of the Core Strategy sets out that green infrastructure, including tree preservation orders (TPO), is to be protected and enhanced by development. The Council's Tree Officer has been consulted on the proposal. They note that there are a number of TPO trees in the area; a group TPO close to the site and 2 individual trees within the site. The proposal is not considered to impact on these protected trees. The loss of some of the other garden shrubs/hedges which may need to be removed or pruned as part of the development they consider acceptable.
- 7.30 Overall the Tree Officer has no objection, subject to an informative to ensure protection of the trees during the construction works. As such the proposal is considered to accord with the development plan with regard to green infrastructure.

## 8. Conclusion

- 8.1 As the site is within the settlement boundary of Newbury the development plan policies are such that the principle of a house extension in this location is acceptable. The consultation responses from the Council's departments on transport, parking, archaeology, green infrastructure and ecology confirm that the proposed development raises no issues on these matters, with the proviso that conditions are applied to secure the ecological enhancements.
- 8.2 With regard to impact on quality of life it is the case that the proposed development would be visible from the adjacent Brookwell House in terms of outlook. In terms of the criteria set out in the Quality Design SPD there would be no direct overlooking from the proposed extension into the property of Brookwell House. Nor would there be any loss of light into the property itself of Brookwell House. There will be overshadowing over part of the front garden and side of Brookwell House, but this would affect a small area of the overall private garden area of Brookwell House.
- 8.3 The proposed extension would only be connected to the main house by way of a linking structure. Such an arrangement, whilst less common with more modern houses such as this, is not particularly uncommon where the existing dwelling is a heritage asset, in order to protect the integrity of a listed building. Whilst it is not necessary to protect the integrity of the existing dwelling in this instance, it does not necessarily follow that the two parts of the house would be separate dwellings.

Indeed as previously outlined a householder application/permission cannot grant change of use which would be required in order to occupy part of a house separately from the rest. In terms of development plan policies the layout of the extension with the link to the main house is considered acceptable.

- 8.4 The proposed extension would be large. As outlined it would be an increase in footprint of 310m<sup>2</sup>, approximately double that of the existing dwelling. The plot in which the dwelling is set is large, the extension would be set back from the highway and the roof would have the same pitch as the existing. Combined, these factors are considered to indicate that in this particular instance the site is capable of accommodating the extension without harming the character of the area.

## **9. Full Recommendation**

- 9.1 The Head of Development and Planning be authorised to grant planning permission subject to conditions.

## **10. Conditions**

### 10.1 Commencement

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).

### 10.2 Approved Plans

The development hereby permitted shall be carried out in accordance with the approved drawings 2018-212-002F titled proposed block plan and proposed plans and elevations received on 15 November 2018 and the GS Ecology bat survey report ref ECO2301 received on 20 June 2019.

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

### 10.3 Materials

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the extension hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character in accordance with the National Planning Policy Framework 2019, Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document Quality Design 2006, and Supplementary Planning Guidance House Extensions 2004.

## 10.4 Ecology

No development shall commence until a bat box (Schwegler 2f or similar) has been installed on a suitable tree onsite by a licensed ecologist. The bat box will be used to receive any bats captured during the works to the building and shall remain on site for 5 years.

Reason: To provide biodiversity enhancements in accordance with policy CS17 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework 2019.

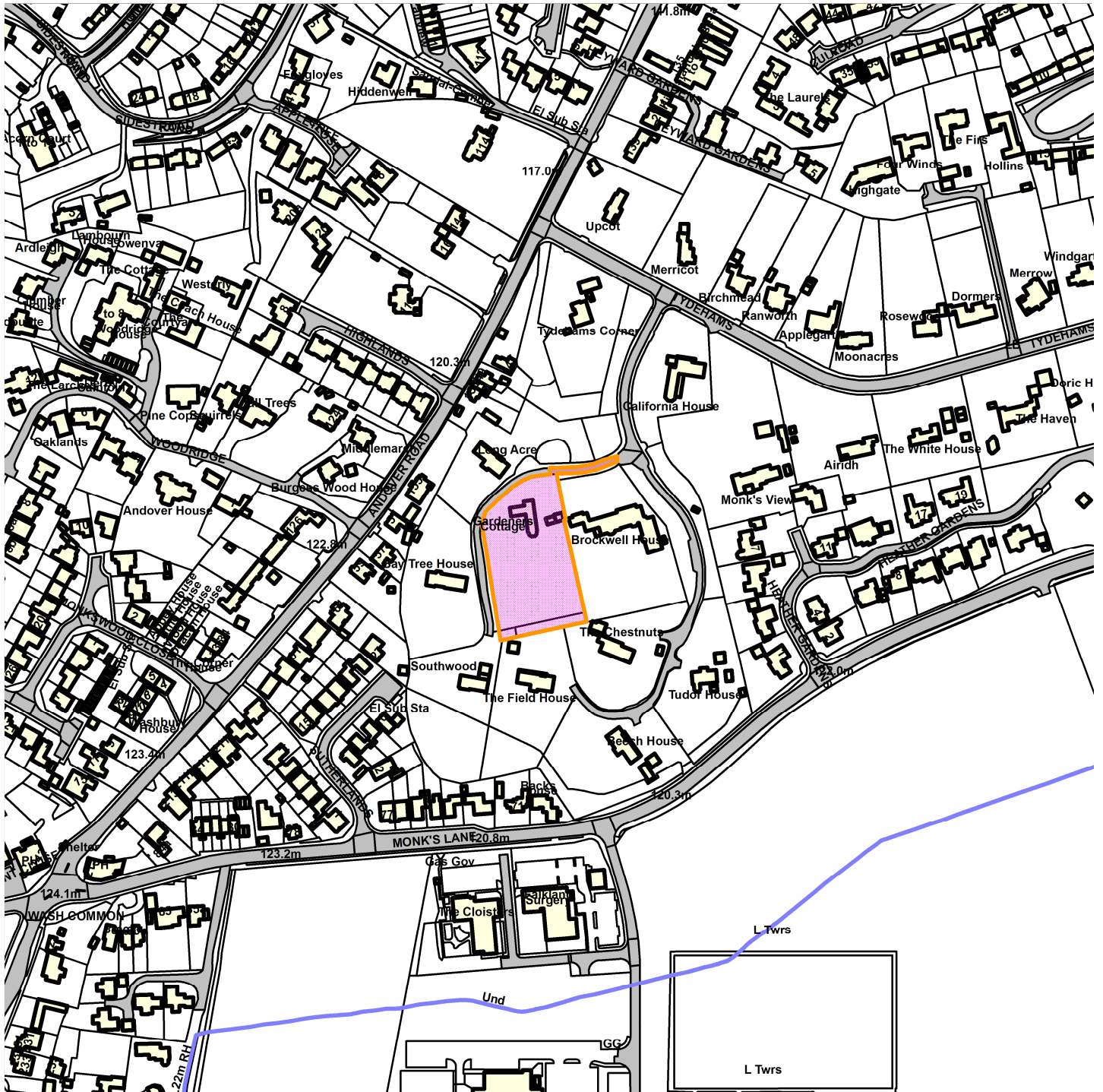
## 10.5 Informative on tree protection

Tree protection precautions informative note:

- To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.
- In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
- Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
- To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
- If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non-permeable membrane to prevent lime based products / chemicals entering the soil
- If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.
- If lime based products are to be used for strip foundations then any roots found should be protected by a non-permeable membrane prior to the laying of concrete.

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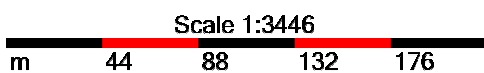
Map Centre Coordinates :

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