

Notice of Meeting



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Western Area Planning Committee Wednesday 18 March 2020 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. Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: jenny.legge@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 10 March 2020



Agenda - Western Area Planning Committee to be held on Wednesday, 18 March 2020
(continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carlyne 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
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Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 7 - 22
To approve as a correct record the Minutes of the meeting of this Committee held on 5 February 2020.
 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: 19/00832/REM, Land Adjacent To Summerfield, The Ridge, Cold Ash, Thatcham** 23 - 42
- Proposal:** Approval of reserved matters following outline permission 16/02529/OUTD - Change of use of part of existing agricultural field to residential and the erection of 5 no. detached dwelling houses with ancillary garages, access, parking, landscaping and associated works. Matters seeking consent - Appearance, landscaping and scale
- Location:** Land Adjacent To Summerfield, The Ridge, Cold Ash, Thatcham, Berkshire
- Applicant:** T A Fisher and Sons Ltd
- Recommendation:** To delegate to the Head of Development and Planning to GRANT APPROVAL OF RESERVED MATTERS subject to conditions



Agenda - Western Area Planning Committee to be held on Wednesday, 18 March 2020
(continued)

- (2) **Application No. and Parish: 18/03340/COMIND, Newbury Racecourse, Racecourse Road, Greenham** 43 - 52
Proposal: Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1)
Location: Newbury Racecourse, Racecourse Road, Newbury
Applicant: Newbury Racecourse
Recommendation: The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement
- (3) **Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham** 53 - 66
Proposal: Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms
Location: The Lodge at Newbury Racecourse, Racecourse Road, Newbury
Applicant: Newbury Racecourse
Recommendation: The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement

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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Agenda Item 2.

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, 5 FEBRUARY 2020

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

Also Present: Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control) and Jenny Legge (Principal Performance, Research and Consultation Officer)

Apologies for inability to attend the meeting: Councillor Howard Woollaston

Councillor(s) Absent: Councillor Jeff Cant

PART I

9. Minutes

The Minutes of the meeting held on 18 December 2019 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

Item 1, page 13, paragraph 19: ‘...damage to the tower’ to be replaced with ‘damage to the tow-path’.

Item 1, page 15, Condition 7: ‘...a further waterway wall shall...’ to be amended to read ‘...a further waterway wall survey shall...’

Councillor Carlyne Culver queried if the enforcement action, mentioned in Item 1, page 10, paragraph 27, had been taken. Derek Carnegie explained that he had spoken to Planning Enforcement about the matter.

The Minutes of the meeting held on 15 January 2020 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following at the beginning of Item 1, page 32:

(Councillor Tony Vickers, Deputy Leader, in the Chair)

10. Declarations of Interest

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

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

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

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The Chairman reminded Mr Smallman, the agent for Item(4) 4, that no new information should be introduced after the deadline of five clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002), as this would give an unfair advantage over the other speakers.

11. Schedule of Planning Applications

(1) Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road , Kintbury

(Councillors Carolyn Culver and James Cole declared a personal interest in Agenda Item(4) 1 by virtue of the fact that they had 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(1)) concerning Planning Application 19/02144/FULD in respect of a Section 73: Variation of Condition 2 - 'Approved plans' of previously approved application 19/00277/FULD: Replacement dwelling.
2. In accordance with the Council's Constitution, Mr Anthony Stansfeld, supporter, and Mr Callan Powers (Fowler Architecture and Planning Ltd), agent, addressed the Committee on this application.
3. Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unacceptable and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.
4. Mr Stansfeld in addressing the Committee raised the following points:
 - Neither the Parish Council nor the District Councillor had objected to this proposal.
 - Three mansions had been built in Kintbury and West Woodhay in recent years, which made this proposal look like a small cottage.
 - It would be an unobtrusive house and would not be seen from the road.
 - Templeton Road was a private road.
 - Planning decisions needed to be consistent. He understood this was a large extension, but he could not see the harm in approving the application in this case.
 - He would have objected, as he had done in the past, if he felt the proposal was harmful.
 - As there were larger designs which had been approved in the area, he did not feel that this would be setting a precedent.
5. Mr Power in addressing the Committee raised the following points:
 - The applicants apologised for not being able to attend the meeting.
 - This proposal was in addition to the extant permission, to the rear of the property.
 - This would be the family home for the foreseeable future and was not disproportionate, in his view. Overall the visual effect of the extension would be neutral.
 - The design was of a fall-back position and would be shielded from the road. The plot was ample and the visual impact would be insignificant.

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- The applicant had offered a range of measures that would mitigate the carbon impact, which the Committee and officers had no means to compel.
 - West Berkshire Council had declared a Climate Emergency and the extra measures offered by the applicant should be given extra weight by Members in their decision, as they exceeded expected standards.
 - Approval should be given as this would be an improved, environmentally sustainable site.
 - The removal of trees for the third parking space was included in the extant permission. There had been no objection made by the Highways or Tree officers.
 - He asked that the Committee follow the lead of the Parish Council and approve this application.
6. Councillor Claire Rowles asked whether the existing outbuildings on the site would be removed. Mr Powers answered that the small building to the east of the house, and the metal shed to the south, would be removed, however the two bay garage would remain.
 7. Councillor Hilary Cole sought clarification as to why, when the original application had been approved in May 2019, that the amendments to the plan had been needed so soon. She conjectured that the applicant had always meant to build a house this size, but had felt that they would only get permission for the smaller design, and wanted two bites of the cherry.
 8. Mr Powers explained that plans change. The family was large and they had decided that they wanted to stay in the area.
 9. Councillor Tony Vickers inquired whether the applicant would agree to the extra measures towards reducing the buildings ecological footprint being conditioned, as a unilateral obligation. Mr Powers confirmed that the applicant was fully prepared to accept the Conditions.
 10. Councillor Adrian Abbs asked whether there had been a significant change in the size of the family in the three months since the last application. Mr Powers confirmed that he was not aware of a massive explosion in the number of members in the family.
 11. Councillor Abbs expressed his unease that Mr Powers had appeared to make a threat, that unless the Committee approved this design, the applicant would not make the same efforts towards energy efficiency for the extant permission, as they would do for the revised plans. Mr Powers observed that these measures were expensive and the applicant was under no obligation to include them in the building of the extant permission.
 12. Councillor James Cole in addressing the Committee, as Ward Member raised the following points:
 - He was embarrassed that it had taken so long for this application to progress.
 - He had heard lots of noise about the size of the proposal.
 - At the site meeting it had been discussed whether there were any other properties in the vicinity that had increased their foot print by a similar, or larger amount. Members had been able to recall examples in West Woodhay and in Kintbury.

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- He did not want to keep talking about percentage increases, but this proposal was about 250%, however the property at Hayward Green Farm had been granted permission for a 750% increase.
 - However, it was not about percentages. This was a reasonable building for the size of plot. It sat well in its location and had no adverse impact on its neighbours.
 - When 'urbanisation' had been mentioned to the applicants, they had recoiled in horror at the idea. They would plant more trees, and had offered a commitment to reduce the ecological impact.
 - As West Berkshire Council could not force the applicant to build an eco-friendly house, it seemed silly not to accept this proposal. It was a much better building than the one that had already been approved.
13. Councillor Vickers concurred that he too had wondered about the idea of urbanising the area. The proposed site was next to a gateway and the function of the property was to act as a gatehouse, which traditionally were modest houses, close to the road. Councillor Cole revealed that the new design would fulfil this function in a better way.
 14. Councillor Hilary Cole asked planning officers whether the outbuildings to be demolished had been used in the calculations for the percentage increase. Sian Cutts explained that they had not been included in the calculation for the amount of floor-space within the curtilage, but small buildings made small contributions. Councillor Cole noted that when officers were quoting percentages they should ensure they were accurate.
 15. Councillor Rowles enquired as to whether the proposed building was at a different height to that of the extant permission. Sian Cutts confirmed that the proposed unit would have a lower ridge height. Councillor Rowles posited that, as the ridge height was lower, it would not be visible from the road. Sian Cutts explained that the north elevation would be visible and the building would be extended across the length of the plot and therefore more impactful due to its size.
 16. Councillor Rowles noted that it had been previously agreed that three trees should be removed to allow for a third parking space. She questioned the Highways Officer about the need for a third parking space, when there was a two bay garage available. Paul Goddard explained that parking standards do not take garages into consideration.
 17. Sian Cutts further informed the Committee that the Tree Officer had not raised a formal objection regarding the loss of trees to create a parking space. However he had commented that the removal of the trees and tarmacking of the area would urbanise the space, as it opened up this element of the site. This could be overcome by redesigning the entrance.
 18. Councillor Vickers asked for confirmation as to whether Templeton Road was a public highway or a private road. Paul Goddard confirmed that it was public highway.
 19. Councillor Carlyne Culver sought clarification as to what constituted a disproportionate increase. Sian Cutts explained that usually anything more than 100% was considered disproportionate. The original application was granted as officers took into consideration the landscaping, and that the property had been moved away from the road. On balance the applicant had designed a modest house in a large plot. However, this further application, which increased the size of the property to 250% larger than the original house, was disproportionate. Councillor Culver noted that this was a subjective opinion, rather than policy.

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20. Derek Carnegie advised that officers had been generous in granting the first application, but this design was clearing breaching policy.
21. Councillor Cole questioned why the percentage increase was being discussed, as this criteria had been removed from the Housing Site Allocations Development Plan Document (DPD). Sian Cutts explained that using percentages helped to quantify the proportions. This was an application for a very large increase in the size of the property.
22. Councillor Abbs expressed the view that he was confused as some larger properties had already been approved, and yet other applications were considered disproportionate. He concurred with Councillor Hilary Cole that the small gap between the original application and the revision was odd, as the family's circumstances had not appeared to have changed.
23. Councillor Hilary Cole admitted that she was struggling with this application. Part of her role was to uphold policy. Members had agonised when writing the DPD about using the percentage proportion as a criteria, as opposed to how well the development sat within the site. She was irritated that the previous application had only been recently approved. She was disappointed that the AONB Board had not responded to the consultation, as they might have given the Committee some insight. West Berkshire Council had endeavoured to include a code for sustainable homes in the DPD, but government had put the code into Building Regulations, instead of Planning Policy.
24. Councillor Phil Barnett concurred with Councillors Cole and Abbs and did not want to beat about the bush. He could not see how the proposed development was going to have a great impact, and felt that it could enhance the area.
25. Councillor Barnett proposed to reject officer's recommendation and grant permission.
26. Councillor Rowles commented that in terms of the timings for the original and the revised applications, that family circumstances do change, and this should not mar the Committee's decision. She did not feel that the agent had threatened the Members, but had in good faith shown that the applicant would do their bit for ecology. The Committee should encourage applicants to develop eco-friendly properties, as this was not enforceable through planning Conditions. She had grown up in Kintbury and knew the area well. The property was well screened by foliage and would not be seen from the road.
27. Councillor Rowles seconded the proposal to reject officer's recommendation and grant permission.
28. Councillor Vickers felt that there would be no harm to the Area of Outstanding Natural Beauty or setting and that the site was 'oven-ready' with regards to screening. It would be a dereliction of duty to ignore the eco-friendly measures being offered and he was grateful for the applicant's commitment that went way beyond what policy asked for.
29. Councillor Cole read from the DPD, section 4.58, page 96 and quoted, "Similarly to the consideration of extensions to existing dwellings in the countryside; there are no rules that can be applied as to the acceptable size of a replacement dwelling. Any size increase has to be considered on the basis of the impact of a particular property in a particular location."
30. Derek Carnegie acknowledged that planning decisions were difficult and insisted that the depth of proportionality from the existing house was unacceptable in planning terms. As there was a clear breach of consistent approach and policy, if approved,

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this application would have to be referred to the District Planning Committee (DPC). He also noted that the green agenda was pursued through Building Regulations, not Planning Policy

31. Sharon Armour asked for Members to decide on Conditions before the vote. As the application was recommended for refusal, conditions had not been prepared by officers, but would be in place when it was submitted to the District Planning Committee. Paul Goddard suggested that Members might want to condition electric car-charging points, cycle storage and other eco-friendly measures relating to Highways. Sharon Armour suggested that a Section 106 could be used to enforce the environmental commitment. Derek Carnegie confirmed that officers would give the Conditions a more detailed examination before the proposal was submitted to the DPC.
32. Councillor James Cole asked that it be minuted, that he objected to what he considered to be a threat being made in advance of the vote that, if approved, the application would be referred to the DPC. Sharon Armour remarked that she did not consider the statement a threat, but rather that the officer was alerting the applicant that they had not yet been granted permission, as their application had to be re-considered by the DPC.
33. At the vote the motion was carried with five voting in favour, two against and one abstention.

RESOLVED that the Head of Development and Planning be authorised to refer the application to the District Planning Committee.

(2) Application No. and Parish: 19/02820/FULD, 67 Andover Road, Newbury

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

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

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/02820/FULD in respect of a new dwelling on land at 67 Andover Road, Newbury.
2. In accordance with the Council's Constitution, Mr Nigel Foot, Parish Council representative, Mr Anthony Pick and Ms Jackie Milsom, objector, and Mr John Kane and Ms Annika Hatchwell (Inspiration Chartered Architects), applicant/agent, addressed the Committee on this application.
3. Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unacceptable and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.
4. The Chairman thanked the planning officer for their presentation and invited the Highways officer to expound on his part of the report. Paul Goddard confirmed that he had no objections to the proposal.

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5. Mr Foot in addressing the Committee raised the following points:
 - The Town Council had listened to the arguments and considered the messages, and had voted to raise no objection.
 - They felt the distance between the terrace and the proposed development was sufficient, as it was less than the distance to the existing house to the left of the terrace.
 - The aspect from Andover Road was minimal, as only the gable end of the house would be seen. Compared to the house to the left of the terrace, this proposal was less obtrusive as it was set back and was hidden by shrubbery.
 - From the Erleigh Dene aspect, they did not feel there would be any impact on the street scene.
 - There had been adequate space left at the rear to safeguard the trees, and landscaping plans would provide for shrubbery to soften the view.
 - When the application had come before the Town Council they had felt that it might enhance the view from the Andover Road as the development would be set back, and the shrubbery currently masking the terrace would be reduced.
 - This was a passive house, which they supported in the light of the announced Climate Emergency.
6. Councillor Carolyn Culver asked for the Town Council's view on the materials being used and whether they were in keeping with the surroundings. Mr Foot remarked that this had been discussed. The Town Council were keen on the passive house design and the provision of shrubbery, and felt the scale of the design would not have an adverse impact. Councillor Culver questioned whether the shrubbery mitigated the visual harm caused by the use of the proposed materials. Mr Foot explained that it would be softened. They had been impressed by the passive house, and its provision required certain configurations.
7. Councillor Tony Vickers inquired, as this was a passive house, whether the applicant would be open to it being conditioned and therefore enforceable. Mr Foot replied that the applicant was very sensitive to the fact that a Climate Emergency had been called, and would do their best to build a passive house.
8. Ms Milsom and Mr Pick in addressing the Committee raised the following points:
 - Ms Milsom was resident at No.63 and was speaking on behalf of the other residents of the terrace and locality.
 - She had lived at No.63 for 30 years and understood how to look after a listed building. No.61 had recently been lovingly and carefully restored.
 - She had stood in the garden and considered it of a decent size for a four bed roomed house, but could not image how the curtilage could accommodate another three bed roomed house, and have space for two gardens. It was saddening and depressing.
 - It was the council's policy to retain heritage assets, and to conserve and enhance their setting.
 - This proposal would detrimentally impact on the terrace. The argument that it would have less impact than No.59, the chalet bungalow to the left of the terrace, was nonsensical. No.59 had been built two years before the terrace had become listed, was wholly behind the line of the terrace and had a lower ridge height. The

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proposed development was two metres behind the front wall and had a ridge height higher than the terrace. It would be dominating and block light for No.67.

- The distinctiveness of Andover Road, lay in that it was a garden suburb, gateway road. The two small gardens proposed would be completely out of keeping.
 - However desirable a passive house was, its design did not meet the National Planning Policy Framework (NPPF) or the Newbury Town Design Statement (NTDS). Protecting a heritage asset should not be neglected in favour of financial gain.
 - Mr Pick noted that the Newbury Society had offered a strong objection to the proposal. There were few, if any, eighteenth century properties in Newbury still used for residential purposes.
9. Councillor Tony Vickers queried whether the view of No.67 was obscured by shrubbery. Ms Milsom replied that there was a large laurel bush that obscured the ground level, but the upper level and roof were visible.
10. Councillor James Cole asked the objectors to explain more about the significance of the terrace as a heritage asset. Mr Pick observed that many properties built in the eighteenth century in Newbury were now used for commercial purposes. He was not aware of any others that were still occupied by residents. The terrace was of exceptional heritage value to the town, and this included the setting and curtilage.
11. Councillor Carlyne Culver noted that there had only been ten objections submitted to the Committee, but thirty members of the public had supported the application. Mr Pick explained that the objections were made by local people, but the supporters were not.
12. Ms Hatchwell and Mr Kane in addressing the Committee raised the following points:
- Ms Hatchwell explained that the application was in line with policy and was delivering an urban provision for new housing.
 - There would be no harm caused to the trees. This was a high quality design that was taking into account the Climate Emergency.
 - The objections raised were based on personal opinion, and no objection had been raised by the Town Council.
 - As this was a gateway road, any opinion of any resident of Newbury was just as valid as that of the neighbours.
 - There would be no loss of greenery and the leylandii trees would be replaced with a superior tree.
 - The development was set back by two metres and there would be no loss of symmetry to the terrace.
 - The materials being used would allow the terrace to stand out and would reflect the great range of architectural style of the surrounding houses.
 - Mr Kane continued that he and his wife were classically trained musicians who had lived in Newbury for 30 years. They had raised their children and been involved in the community.
 - They believed this to be a beautifully designed passive house, which would be built in their own garden.

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- They had cared for their own house and, although they respected their neighbours' views, they sincerely would not wish to detract from the terrace. They considered that this development would enhance the terrace.
 - They wanted to create a sustainable, town centre house for themselves in a wasted corner of their garden. It would not be overlooked or seen by neighbours.
13. Councillor Phil Barnett noted that the objectors had referred to the NTDS and wondered whether this had been taken into account. Ms Hatchwell confirmed that it had, but that the design came down to what was appropriate and what was a priority.
 14. Councillor Carolyne Culver inquired as to what would be used to replace the leylandii, and how long it would take to grow to the able to screen the property. Ms Hatchwell commented that this would be agreed with the Tree Officer. She also noted that the first application had been withdrawn to allow for more space to be made available for trees.
 15. Councillor Adrian Abbs in addressing the Committee as Ward Member raised the following points:
 - He was speaking on behalf of David Marsh, who had been unable to attend the meeting.
 - David Marsh had been open-minded and had given the application a fair hearing, but on-balance he would oppose the proposal.
 - It was in the wrong place and out of keeping, despite the environmental design.
 16. Councillor Abbs asked officers to clarify the distance between the terrace and the proposed development. Sian Cutts explained that the distance was 9m at the closest point, but front edge to front edge was 11.5m.
 17. Councillor Claire Rowles inquired as to the distance to the chalet bungalow to the left of the terrace. Sian Cutts explained it was 7.5m, but it was stepped back significantly, had a lower ridge height and was topographically at a lower level.
 18. Councillor Culver inquired as to the recommended amenity space for a property. Sian Cutts explained that it was 100 square metres for a three bedroomed house and that she was satisfied that there was space for both houses.
 19. Councillor James Cole remarked that he took every application on its own merits, even though he was the Heritage Champion. The eighteenth and, in part, nineteenth century residential terrace was in good shape. The debate was mostly about the setting. The chalet bungalow to the left of the terrace was set way back.
 20. The council had a duty to provide housing and the design may be good, but the development was in the wrong place. The heritage aspect trumped the environmental design. The council also had a duty to protect the heritage of the district.
 21. The new house would damage the setting and the proposed materials did not suit the setting.
 22. Councillor James Cole proposed to accept officer's recommendation and refuse planning permission.
 23. Councillor Vickers explained that he knew both the applicant and the next door neighbour and might therefore not be able to vote on this item. He did not think the decision was clear. This was an important heritage building and the setting would be affected. All over Newbury there were examples of modern buildings, built with distinct materials and design which fit in with older architecture. He did not consider that the harm would be significant. Originally, the terrace had been surrounded by

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farm land. He considered the quality of the design and applauded the commitment to go over and above with the energy efficient design.

24. Councillor Barnett informed that Committee that he had lived in Andover Road and had seen great changes, but recognised there should be a balance of properties. Some developments had changed the street scene for the better, some had not. However, the terrace was unique. On balance he would vote to follow officer recommendations.
25. Councillor Rowles recognised that the street scene had changed. She felt strongly that the residents of the terrace had fought long and hard to protect the heritage asset. The space for the development was not a massive garden and the property would be sited a lot further forward than the chalet bungalow on the opposing side.
26. Councillor Rowles seconded the proposal to accept officer's recommendations and refuse planning permission.
27. Councillor Abbs made it clear how much he supported people who went over and above to provide energy efficient homes, however this could not be taken into account as a planning consideration when other priorities overrode. If the proposal had been smaller and stepped back further, he may not have worried. However, the development had been shoe-horned into the space. He would accept officer's advice.
28. Councillor Hilary Cole described the design as a super, innovative passive house, which in other circumstances would have swayed her decision. However this proposal was in the wrong place and would spoil the integrity of the terrace.
29. Councillor Culver concurred with Councillors Cole and Abbs and supported sustainable housing, and would encourage everyone to embrace energy efficient design. However, this was not an excuse to agree to put something in an inappropriate place, and not in keeping with the heritage of the area.
30. At the vote the motion was carried with one abstention.

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

Reasons:

1. Impact on listed building:

No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the setting of this listed building by unbalancing this symmetrical terrace. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the advice contained within the NPPF (20219).

2. Impact on the character and appearance of the area

No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building, and the character and appearance of this part

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of Andover Road which is an important gateway to Newbury. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the character with the listed terrace and the dwellings within the immediate locality, and would be detrimental to the street scene, and the character and appearance of this important gateway to Newbury. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the Quality Design SPD (2006) and the Newbury Town Design Statement (2018).

(3) Application No. and Parish: 18/00797/OUTMAJ, Newspaper House and Units Q1 to Q6, Faraday Road, Newbury

The application was withdrawn and was not discussed at the Committee meeting.

(4) Application No. and Parish: 19/01281/OUTMAJ, Newspaper House, Plot Q and Units Q1 to Q6, Faraday Road, Newbury

(All Councillors declared a personal interest in Agenda Item(4) 4 by virtue of the fact that they had 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(4)) concerning Planning Application 19/01281/OUTMAJ in respect an outline application for demolition of existing Newspaper House and commercial buildings and redevelopment of the site for 71 flats and office accommodation together with parking and associated works. Matters to be considered: access, appearance, layout and scale.
2. In accordance with the Council's Constitution, Mr Nigel Foot, Parish Council representative, and Mr James Gurney (Newspaper House Holdings Ltd) and Mr Steven Smallman (Pro-Vision) applicant/agent, addressed the Committee on this application.
3. Lydia Mather 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 unacceptable and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.
4. The Chairman thanked the planning officer for their presentation and invited the Highways officer to expound on his part of the report. Paul Goddard noted that there had been concerns regarding an increase in congestion, with an estimated 45-47 additional movements. However, with the changes to Fleming Road and the access to Faraday Road, it was felt that traffic would be sufficiently dispersed. He was content with the layout of the site, and believed the shortfall in the number of parking spaces (39) could be mitigated through a Parking Management Plan, where commercial and residential properties would share the spaces.
5. Mr Foot in addressing the Committee raised the following points:
 - The Town Council had listened to the arguments and commented that they were concerned about the proximity of the development to the A339, and the air and noise pollution this would cause for the residents of the flats.

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- He was also concerned about the flood risk and would be interested to see the Committee's deliberations, as there were clearly some more explanations required.
6. Mr Smallman objected to the Chairman raising with him, at the beginning of the meeting, the submission deadline for information to the Committee. He was unaware of the rule that information had to be submitted at least five clear working days before the meeting, and took offence that he was being accused of repeated unfair behaviour. This rule was not the norm for councils and had not been made plain to him.
 7. The Chairman offered his apologies if he had been mistaken and asked the Legal Officer to clarify matters.
 8. Sharon Armour explained that the rule was contained within government legislation and applied to all local authorities, not just the council, and was printed on the front page of the agenda, third paragraph. Mrs Armour read out the relevant paragraph.
 9. The Chairman reiterated that any information should be sent to planapps@westberks.gov.uk so that it could be processed.
 10. Mr Smallman in addressing the Committee raised the following points:
 - The regeneration of the London Road Industrial Estate (LRIE) had been a key strategic objective for West Berkshire Council for the last ten years. It had been delayed by problems and legal challenges.
 - He believed the Committee should actively support the development of this key location. It was a mixed use development, which was highly sustainable due to its closeness to the town centre.
 - It would provide new homes, office accommodation, rejuvenate the LRIE and provide a contemporary, high quality key gateway to the town.
 - It was fully aligned with policy and was a sustainable, effective use of previously developed land.
 - The plans had been worked on since 2016 and had twice been redesigned to alter the height, mass and scale.
 - The development would provide much needed office space, which had been lost in the town centre and replace the Newbury Weekly News site with high quality accommodation.
 - There had been no objection to the current scheme and one would expect the Committee to welcome and support the design. However the planning officers were now recommending refusal in response to criticism of the sequential test results. Pro-vision had not seen the report and were unaware of the officers decision, until its publication five days prior to the meeting.
 - He believed the criticisms of the sequential test were ill-conceived, and that planning officers had given too much weight to the Environment Agency's view in making their decision.
 - There were no reasonable, available sites in areas of lower flood risk. He felt it was appropriate to conclude that this site had passed the sequential test.
 11. Councillor Hilary Cole noted that Mr Smallman had very clearly explained why the Committee should approve the planning application, however he had not explained why the site had not been put forward for inclusion in the Housing and Economic

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Land Availability Assessment (HEELA). The deadline for inclusion had been extended specifically for agents to put forward sites such as this. Mr Smallman explained that a HEELA was the evidence base for the Local Plan to record vacant brown-field sites which could be released for development in the future. This site was ready for development now. There was no point in including it in the HEELA, as it should be released now.

12. Councillor Hilary Cole noted that the site was not in the current Local Plan, and that this therefore negated his argument.
13. Councillor Hilary Cole further questioned whether the site would be fitted with sprinklers, as required by The Royal Berkshire Fire and Rescue Service (RBFRS). Mr Smallman replied that this would be decided in the more detailed plan.
14. Councillor Tony Vickers asked for clarification as to whether the agent was indicating that he had not submitted the site to the HEELA, as it would have delayed the process if the site had been included. Mr Smallman explained that it was not a site that had to be allocated, as it was already in the process of being designed. He and officers had been working on the scheme for the last two or three years, and it had reached the point where it was acceptable. He therefore saw no reason to promote it to the HEELA, and delay development.
15. Councillor Phil Barnett addressed the concerns regarding the proximity to the A339 and queried whether the apartments would be properly insulated against noise and pollution. Mr Smallman advised that there had been discussion with Environmental Health Officers, and that the flats would be suitably ventilated and insulated.
16. Councillor Abbs pointed out that there was an existing development on the A339. Mr Smallman advised that there was existing consent on Faraday Plaza.
17. Councillor Jeff Beck in addressing the Committee as Ward Member raised the following points:
 - He had great sympathy with the Canal and River Trust who felt that the visual aspect of the development would be in the eye of the beholder. He felt that the appearance of the development needed further consideration.
 - With regards to flooding, there was concern over the Environment Agency's view about the sequential test and the flood plain. Water did not stop at the red line on a plan. He understood this would impose severe restraints on developing the area.
 - He was concerned that the RBFRS had not resolved the issue of how residents would be rescued should there be a flood. Future residents and business owners might suffer difficulties in getting adequate or affordable insurance policies if this question were not resolved.
 - He endorsed the officer's recommendation for refusal.
18. Councillor Vickers asked if there had been any comment from the Civil Contingencies Officer on the Environment Agency's stance. Lydia Mather replied that she had requested additional comments from both the Civil Contingencies Officer and RBFRS, but had not yet received them.
19. Councillor Adrian Abbs queried whether any trees would be removed. Lydia Mather explained that this would be addressed by the Tree Officer as part of the Landscaping plan, should the application move to the next stage.
20. Councillor Claire Rowles requested clarification on the site parking and whether the Highways Officer had considered the consequences of the car park being flooded. Paul Goddard explained that the requirement for residents was 124 spaces, and for

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commercial use was 116, making a total of 240. However, there were only 201 spaces on the plan and therefore a shortfall of 39. If Members chose to approve the application, there would need to be a Parking Management Plan put in place. This would involve a shared parking, where commercial use would occur during the day and residential parking would use the spaces at night. Councillor Rowles commented that this plan was based on assumptions. Paul Goddard concurred that it would need to be controlled to be achievable. Councillor Rowles further averred that parking on the site was currently very tight, with no overspill facility. Paul Goddard noted that if Members saw parking as an area for concern, they could use it as a reason for refusal. He had not considered the consequences should the underground parking become flooded.

21. Councillor Rowles raised a concern that should the site flood, it would become an island and if the water was deep enough the vehicles would float and block emergency access.
22. Councillor Vickers advised that there was a stairway leading up out of the site. He conjectured that an emergency only bridge could be built to get residents away from the site.
23. Lydia Mather responded that there were suggested measures in place, however she had not received a response from the RBFRS.
24. Councillor Abbs inquired as to what was the delta between the existing number of vehicle movements, and the proposed development. Paul Goddard advised that there were 103 existing traffic flows and the increase would be 45-50 additional vehicle movements. He acknowledged this was an increase, however with the new road arrangements in the area, the traffic would be dispersed and the impact was not sufficient to raise an objection.
25. Councillor Abbs further questioned the level of flood protection provided by the flood alleviation schemes. Lydia Mather explained that due to the lifespan of the development, the Environment Agency advice was that where the development was being sited in Flood Zone 3, it therefore would have an annual probability of a 1 in 100 year flood.
26. Councillor Rowles asked for further explanation as to the affordable housing level. Lydia Mather explained that it was at a policy compliant level.
27. Councillor Hilary Cole expounded that the site would be assessed against the current Housing Site Allocations Development Plan Document (DPD) and had not been put forward for the HEELA as a brown-field site. There was nothing to prevent it being included so it could be considered properly. She was disappointed it had not been submitted as the consultation had been extended for this very reason. She did not accept that this site met the current policy requirements with regards to flooding, and could therefore not support it.
28. Councillor Abbs proposed to reject officer's recommendations and approve the application. He could not recall a better brown-field site in such a sustainable position, and did not consider the flooding objection as realistic.
29. Councillor Vickers seconded the proposal to reject officer's recommendation and approve permission. He felt that the sequential test explanation was too technical for Members, and considered the argument an unnecessary delay. He felt instinctively that this development was too strategic to refuse and would have enormous implications for Newbury.

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30. Sharon Armour asked the Committee what conditions it wished to include in addition to the Section 106, should they vote to approve the permission. Members answered that they were content with standard conditions, but noted conditions such as parking management, refuse storage management, noise mitigation and other matters would also need to be conditioned.
31. Councillor Rowles noted that the officer's recommendation to refuse was based on technical points and policy grounds, which were difficult to understand. She was nervous to go against recommendations on such a large scale development, when she did not fully understand the argument. She was finding this decision problematic as the development was great for housing, but she had concerns about policy and parking.
32. Councillor James Cole described how he was left feeling there was too much unanswered about flooding. He was loathe to vote against the application. He noted the concerns of the Canal and River Trust had not been addressed. He posited that as the design was not good enough, it should have been revisited.
33. Councillor Barnett noted that the location of the development meant that residents might not need to use a vehicle. However he had concerns that it was close to the A339 and would need adequate insulation. He thought that the car parking issue could be overcome and would be interested to see how this would be managed. In conclusion, he felt uneasy about the technical objections and was not prepared to vote against officer recommendation.
34. Councillor Culver was confused that flooding was only being discussed now, when this was a long term development. She concurred with fellow Members that, as this was a technical objection, she did not want to go against officer recommendations.
35. Councillor Abbs described that the flood diagram showed the site as an island, and either this situation had been mitigated, or it had not. He did not understand how the sequential test could indicate anything other than that the millions of pounds spent on flood defence mitigation, had resolved the risk of flooding in the area.
36. At the vote, the motion to reject officer's recommendations and grant planning permission was refused.
37. Councillor Hilary Cole proposed a further motion to accept officer's recommendation and refuse the application. Councillor James Cole seconded the motion. At the vote, the motion was carried.

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

Reasons:

The proposed residential development fails to demonstrate that there are no suitable and available alternative sites at a lower risk of flooding. The search area and methodology of the submitted sequential test are not accepted. As such the proposed development fails the flooding sequential test with regard to residential development contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, the National Planning Policy Framework 2019, and the Planning Practice Guidance.

The application fails to provide a planning obligation to deliver affordable housing. The application is therefore contrary to the policy CS6 of the West Berkshire Core Strategy 2006-2026, The Planning Obligations Supplementary Planning Document and the National Planning Policy Framework 2019.

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

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

(The meeting commenced at 6.30 pm and closed at 9.40 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	19/00832/REM Cold Ash Parish Council	13 th May 2019*	Approval of reserved matters following outline permission 16/02529/OUTD - Change of use of part of existing agricultural field to residential and the erection of 5 no. detached dwelling houses with ancillary garages, access, parking, landscaping and associated works. Matters seeking consent - Appearance, landscaping and scale. Land Adjacent To Summerfield, The Ridge, Cold Ash, Thatcham, Berkshire T A Fisher and Sons Ltd

*Extension of time agreed until 20th March 2020

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00832/REM>

Recommendation Summary: To delegate to the Head of Development and Planning to **GRANT APPROVAL OF RESERVED MATTERS** subject to conditions.

Ward Member(s): Councillor Garth Simpson
Councillor Hilary Cole

Reason for Committee Determination:

- 1) At the request of the local ward member due to concerns over visual impact, destruction of hedgerow, impact on the setting of the AONB, overdevelopment of site/excessive scale and massing and incompatibility of the proposed access ways; and
- 2) More than 10 letters of objection.

Committee Site Visit: 12 March 2020

Contact Officer Details

Name: Jay Singh
Job Title: Consultant Planner
Tel No: 01635 519111
Email: Jay.singh1@westberks.gov.uk

1. Introduction

- 1.1 **Proposal summary** - This application seeks reserved matters approval relating to appearance, landscaping and scale pursuant to outline planning permission 16/02529/OUTD dated 24 October 2017 relating to the change of use of part of existing agricultural field to residential and the erection of 5 no. detached dwelling houses with ancillary garages, access, parking, landscaping and associated works.
- 1.2 **Site description** - The application site covering some 0.73Ha is located on the southern side of 'The Ridge' at the eastern end of the village within the defined settlement boundary. It comprises an allocated housing site (Policy HSA 7 HSADPD) and also benefits from outline planning permission for the erection of 5 detached dwellings. The site is in a prominent location, with an established mixed deciduous hedge (3 metres high in summer and reduced when managed to 2.5 metres high in winter months) forming the boundary with the highway 'The Ridge'. The site slopes away from The Ridge from north-west to south-east by approx. 8m. The angle at which the land falls results in changes in levels from the frontage of the site to rear being approx. 2m in the western part of the site increasing to approx. 5m at the eastern end.
- 1.3 The site is presently undeveloped with an open boundary to the south. The outline permission allows for the enclosure of the site to the south with new tree planting to create a landscaped boundary with the open farmland beyond. The adjacent uses comprise residential dwellings 'Ridge End Barn' and 'Summerfield' to the east and west, and agricultural land to the south. To the north, beyond a frontage hedgerow is the public highway 'The Ridge' beyond which is existing housing sited in a linear form along the road that fall within the North Wessex Downs AONB.
- 1.4 This part of The Ridge takes a linear form and is characterised by detached mainly two storey dwellings occupying large plots with properties on the southern side benefitting from extensive views to the south. However, it is recognised that in the case of the adjacent dwellings to the east and west of the site, Ridge End Barn is 1.5 storey (approx. 7m in height) and Summerfield is a bungalow (approx. 5m in height). The prevailing character is of dwellings and outbuildings on both sides of the road set back from the road and benefitting from mature hedging and tree screening in the front and rear gardens, breaking up the built form and creating a pleasant rural feel.
- 1.5 **Background** – This application is a revised submission of reserved matters application reference 18/01977/REM 9 October 2018 which was refused for the following reasons:
- The proposal for five two storey dwellings, in this prominent open location would, by virtue of scale (in particular height) and external appearance, be out of character with the area introducing a dominant and urbanising form of development. The development would fail to respect the prevailing character of the area and detract from the local distinctiveness and spatial character of this part of this rural village to its detriment.*
- As such the development would be contrary Planning Policies ADPP2, CS14, CS19, HSA7 and advice set out within the NPPF and principles set out within the Cold Ash and Ashmore Green Village Design Statement (HOU1, HOU2, SPGR3, SGPR4 and SDM3).*
- The proposed dwellings would, by virtue of scale and external appearance, including first floor balconies in the rear elevations, adversely affect the residential amenity and outlook of neighbouring dwellings.*

As such the development would be contrary Planning Policies ADPP2, CS14, CS19, HSA7 and advice set out within the NPPF and principles set out within the Cold Ash and Ashmore Green Village Design Statement (GAP2 and GAP3).

- 1.6 This submission also provides amended garage design and siting to overcome the reasons for refusal relevant to planning application reference 18/02111/FUL which sought the erection of three detached garages only to be built and used to serve the dwellings granted under planning permission 16/02529/OUTD. The application was refused for the following reasons:

1. The proposal for garages to be erected to the front of the new dwellings (which have not yet been constructed) in this prominent location would, by virtue of siting and scale be out of character with the area and overdevelop the site. The development would fail to respect the prevailing character of the area, break the building line and detract from the local distinctiveness and spatial character of this part of the village to its detriment.

As such the development would be contrary Planning Policies ADPP2, CS14, CS19, HSA7 and advice set out within the NPPF and principles set out within the Cold Ash and Ashmore Green Village Design Statement (GAP2 and GAP3).

- 1.7 **Proposal details** – This application seeks the approval of reserved matters following the granting of outline planning permission 16/02529/OUTD dated 24 October 2017. Layout and means of access were approved at the outline application stage.
- 1.8 The details are for the erection of five detached dwellings. Each dwelling would be two storey. The dwellings have been individually designed with a variety of materials and elevational detailing. Each dwelling would have different layouts comprising elements such as entrance hall, lounge, study, open plan kitchen, family room, breakfast room, utility room on the ground floor with stairs to the first floor comprising five bedrooms, two with en-suites and a family bathroom.
- 1.9 The dwellings would all have a hard surfaced parking and turning areas to the front and a patio areas to the rear with steps then leading down to the lower garden areas. The dwellings include garages with plots 3 and 4 having an integrated or adjoining garage/car port. The other 3 dwellings (plots 1, 2 and 5) are proposed to have detached garages.
- 1.10 Private rear gardens are proposed along with landscaping of the site which include 3m buffer to the southern boundary and supplementary planting to the frontage hedgerow. Cycle storage is proposed within the garages. Refuse storage and collection are also accommodated within the site.
- 1.11 As considered further below, the applicant has put forward this revised scheme in order to overcome the reasons for refusal relevant to refused reserved matters application 18/01977/REM 9 October 2018. It also seeks to address the member concerns in respect of positioning of garage to the front of three of the five plots (18/02211/FUL). The applicants approach has been to essentially reduce the height of the dwellings, change the appearance of the houses using dormer windows amongst other detailing, change the rear balconies, to reduce proposed rear patio areas, hipping of roof designs on houses and garages, repositioning of garages and more substantial landscaping to frontage and rear.
- 1.12 A full suite of supporting technical reports can be found on the council's website.

2. Planning History

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

Application	Proposal	Decision / Date
18/01657/COND1	Approval of details reserved by Condition 4 - External Materials Schedule and samples, 7 - Construction Method Statement, 8 - Surfacing for driveways/access points, 10 - Vehicle parking and turning, 11 - Access details, 12 - Cycle storage, 13 - Refuse storage and 15 - Boundary hedge, of planning permission reference 16/02529/OUTD.	Deferred from planning committee - October 2018
18/01977/REM	Approval of reserved matters following outline application 16/02529/OUTD. Matters to be considered: Scale, Appearance and Landscaping	Refused - 09.10.2018
18/02211/FUL	Erection of three detached garages only to be built and used to serve the dwellings granted under planning permission 16/02529/OUTD.	Refused - 01.10.2018
16/02529/OUTD	Outline application for change of use of part of existing agricultural field to residential and the erection of 5 no. detached dwelling houses with ancillary garages, access, parking, landscaping and associated works. Matters to be considered - Access and Layout.	24.10.2017 – Approved

3. Procedural Matters

- 3.1 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which concluded that the proposed development is not “EIA development” and therefore an Environmental Statement is not required.
- 3.2 The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices.
- 3.3 The proposed development would create new residential floor space that would be liable to CIL payments in accordance with the Councils CIL Charging Schedule.

4. Consultation

Statutory and non-statutory consultation

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

Cold Ash Parish Council	<p>Objection - The proposed site is of significant importance to both the village and surrounding countryside, being on the eastern gateway to the village and abutting an AONB. We feel that the development, as proposed, would have a significant detrimental impact on both the impression of the village and doesn't meet the requirement to blend from an AONB into an urban environment. In particular, the proposals fail to meet the 'Guidelines for Housing' as laid out in the Cold Ash and Ashmore Green Village Design statement, which is the latest, and current, document relating to planning considerations and was approved by WBC. The key issues with the proposed development are:</p> <ul style="list-style-type: none">• This application will damage the hedge by having so many entrances; we understand the hedge is protected by law, removal will change the rural gateway to the village. The look and appearance of the hedge is important to the parishioners.<ul style="list-style-type: none">○ Measurements of the hedge size and location by the developers appear to be generally exaggerated by up to 0.5m○ The proposed gateways through the hedge in the graphical representation appear to be minimised whereas in reality they would be much larger and remove much more of the hedge than is pictured.○ The hedge is located at the entrance to the village which it is believed should be a rural introduction to the village and not a sudden introduction of urbanisation.• The uniformity, size & style of the proposed housing is out of keeping with the eclectic mix of the surrounding properties<ul style="list-style-type: none">○ The proposed housing would present a large-scale urbanised development to the gateway of a very rural area which would be out of keeping with the rurality of the village.• Developer's graphical representations do not comply with their own aborcultural report.<ul style="list-style-type: none">○ Drawings supplied appear to downplay the impact/size of the proposed new housing and play up the size of existing housing in the area to give a false impression of the impact of the proposed new housing.○ There is much made of soft landscaping but no real effort to mitigate the concerns raised in the objections.• Cold Ash Parish Council are disappointed that the applicant has disregarded previous objections specifically with reference
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	<p>to the size of the proposed new buildings, the hiping of roof areas and the flat roof areas that are obvious candidates for new owners to convert to raised sun terraces (amongst the original objections) and which would then overlook existing housing.</p> <p><i>Previous comments</i></p> <p>Objection – Unanimous</p> <ul style="list-style-type: none"> • This application will damage the hedge by having so many entrances, we understand the hedge is protected by law and will harm the rural gateway to the village. The look and appearance of the hedge is important to the parishioners. • The uniformity, size & style of the proposed housing is out of keeping with the eclectic mix of the surrounding properties.
<p>Bucklebury Parish Council</p>	<p>Objection - BPC continues to object to this application for the same reasons as previously stated. No material changes have been made to the proposed 5 dwellings, with the exception of removing balconies, hiping roofs and reducing decking space – in reality these changes do not change the size of these dwellings.</p> <p><i>Previous comments</i></p> <p>Bucklebury Parish Council objects to this application on the following grounds:</p> <ul style="list-style-type: none"> • An additional three entrances on to The Ridge at this location will significantly increase the danger of this section of road; at school drop off and collection times, it becomes incredibly congested. Cars are frequently parked on the verge of The Ridge adjacent to the land proposed for these houses. Additional drives at this point will cause displacement of cars and increased danger. A single drive to access all of the five dwellings would be safer, as is the case in other locations on the Ridge (e.g. site of former Ridge House School). • The impact on the street scene; the south side of the Ridge is characterised by a good mix of size and style of property including a number of bungalows; this proposal is for five large imposing properties on the edge of the settlement and will be incongruous with the existing. • The existing field hedge is covered by the 1997 hedge act and is therefore protected. Making 3 entrances through it will break it up into a number of chunks which will themselves have to be severely cut back in order to accommodate visibility splays, thus making them essentially unviable. As a result the five new dwellings will have an even greater impact on the street scene. • Concern has been raised about the accuracy of the drawings. It is believed that the existing buildings are shown as larger than they are and further away from the site than reality. There is also concern that the hedge adjacent to the road is set further back from the road than

	it is in reality, thus more would need to be removed for the visibility splays than the plans portray.
WBC Highways:	No objection subject to conditions.
WBC Waste Management	No objection.
WBC Drainage (SUDS)	No objection.
WBC PROW	No comments received.
WBC Ecology	No comments received.
WBC Planning Policy Team	No comments received.
WBC Landscape	No objection subject to conditions.
NWD AONB	No comments received.

Public representations

- 4.2 Representations have been received from approximately 52 individual contributors, all of which object to the proposal (some of the contributors have made multiple representations which count as one objection per person).
- 4.3 The full responses may be viewed with the application documents on the Council's website using the link at the start of this report. In summary, the following issues/points have been raised:
- The reasons for the refusal of the previous reserved matters application (18/01977/REM) (as well as concerns raised by the Parish Council, WAP members, local community) are not overcome by this revised application and the applicant has not provided any substantial changes to the scheme - the minor changes only relate to repositioning of garages, reduction in height, changes to balconies, reduction in patio areas, hipping of garage and plot 5 roof are not sufficient.
 - There has no tangible change in proposed floor space between the refused application and the current proposal.
 - The design and form lack variety, fails to address the sensitivities of the site, monolithic dwellings out of the character with the area, inappropriate housing style and adverse impact on hedgerow.
 - Proposal amounts to overdevelopment of the site and should be reduced e.g. through reduced internal ceiling heights.
 - Excessive scale and massing of development which would be overbearing on the occupiers of The Ridge and Summerfield.
 - Excessive levels of hardstanding proposed including rear patio areas.
 - Proposal harms the character and appearance of this rural area and gateway location through inappropriate urbanisation.
 - Proposal would harm the setting of the AONB.
 - Proposal is supported by inaccurate plans and documentation including underplaying the potential impact on the historic hedgerow (which is protected

under Hedgerow Regulations 1997 and The Environment Act 1995 as an important hedgerow), amongst other errors – objectors have also provided surveys/information to support their objections.

- Strength of local objections must be given significant weight.
- Adverse impact on highway safety due proximity to existing accesses serving neighbouring properties, school traffic and associated on-street car parking demand supported by traffic surveys.
- Adverse impact on landscape and visual amenity.
- Insufficient soft landscaping to mitigate the visual impact of the proposed houses.
- The proposed visibility splays would remove nearly all of the historic hedgerow and it should be retained through trans-relocation within the site.
- Proposal would have an adverse ecological impact through removal of the hedgerow.
- Proposal would have an adverse on neighbouring residential amenity through overlooking/loss of privacy and loss of light and outlook contrary to the Human Rights Act, in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions - windows overlooking Summerfield and Ridge End Barn should also be replaced with high level skylights to avoid overlooking.
- The flat roof extensions would facilitate first floor balconies in the future resulting in a loss of privacy to the occupiers of neighbouring properties.
- No views maintained through the site from the ridge to the Kennet Valley due to excessive width of built form within the site.
- Plans relating to dwelling 'Rooksdown' inaccurate – shown as 9m high when is 7.2m in reality.
- The proposal does not comply with local plan policies, supporting SPG/SPDs, village design statements as well as the NPPF.

Other comments

- The applicant would be required to apply for consent from the LPA to remove any part of the Hedgerow.
- A revised access arrangement with a single point of access into the site would minimise the impact on the hedgerow.
- A reduced scheme of 3 or 4 units on this site appears to be more appropriate.
- The massing and scale should be reduced to more closely reflect Ridge End Barn and Summerfield.
- Hipping of roofs that reduces second floor ceiling height is essential to avoid future attic conversions.
- Raised decking is not in keeping with the surroundings and should be replaced with ground level patios. This has been done for Plots 3 and 4, and must be extended to Plots 1 and 2.
- Planting of a more extensive southern boundary, including trees is welcomed, however, the fall away of the land means that any screening of the houses would be largely unachievable. Furthermore, the proposed planting of mature oak and beech trees is completely at odds with the principle selling point for the housing, the views. Indeed, as the trees grow, it is likely that the owners will look to have them removed. It is extremely difficult to enforce protection of trees and we believe the mitigation plans are therefore flawed.
- The council needs to assess whether Outline Approval was granted as a result of misleading plans and whether to serve a modification or revocation order to address access arrangements.
- Mature trees sited in the rear gardens of the houses will eventually block the views the buyers paid a premium for

- TPOs would be required to protect the trees, however, these would be very difficult to enforce, and can be expected to fail.
- Only mitigating factor is for the developer to build bungalows or other low rise 1.5 storey housing, with greater use of chalet features such as hipped roofs. Such houses would naturally blend better into the landscape and require less screening.
- A much more sympathetic housing design is needed.
- Greater diversity in housing size and visual appearance is needed to ensure the new houses reside well within the existing housing and do not unduly impact the character of the village.
- Increased used of hipped roofs and dormer roofs would impart more of a chalet-style
- Bungalows should be considered on Plots 1 and 5 to ensure the houses relate well to those around them, and mitigate issues of overlook and privacy.
- PD rights should be removed to avoid overdevelopment of the site.
- Essential that all contractors are able to park on site with no spill over parking on the road. Failure to do so would further exacerbate school parking problems and associated safety of parents and children.
- Deliveries must avoid school pick-up and drop-off periods to avoid unnecessary additional traffic congestion. Specifically, deliveries between 08:40-09:05 and 14:45-15:35 must be prevented. This should be conditioned with approval of the Reserved Matters.
- Maintenance of visibility splays after houses are in private ownership cannot be ensured.
- Any new hedge behind the current hedge must be fully established before any destruction of the current hedge can be allowed, and must be protected by legally and practically enforceable means. In addition, the height of the replacement hedge needs to be clarified.
- The proposed landscaping would to southern boundary would be inappropriate by restricting views from the proposed houses inevitably leading to pressure for their removal from future occupiers of the scheme.
- New soft landscaping would take 5-10 years to mature during which time there would be significant visual harm to the locality from the proposed development.
- The developers have not responded to the issues raised in their pre-application consultation with the occupiers of neighbouring properties.
- Legal covenants should be imposed now to limit alterations to the houses after completion.
- If the council are minded to approve the application, the developer should be required to apply for a permit to remove any hedgerow above that shown on the relevant outline and reserved matters plans.

5. Planning Policy

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

- Policies ADPP1, ADDP2, ADDP5, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, HSA7, C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD Part 2 Residential Development (2006)
- Cold Ash and Ashmore Green Village Design Statement (2002)
- Planning Obligations SPD (December 2014)
- Community Infrastructure Levy Charging Schedule, Adopted March 2014 – Effective from 1st April 2015.

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development;
- Character and appearance (including scale and landscaping);
- Setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB);
- Residential amenity;
- Highways matters;
- Other matters.

Principle of development

6.2 The site has been allocated for residential development in the Housing Site Allocations DPD through policy HSA7 described as 'St Gabriels Farm'. Furthermore, the principle of development of this site for five dwellings has been accepted through outline planning permission 16/02529/OUTD dated 24 October 2017. It is noted that layout and access including the 3 vehicular access ways into site were approved at this stage.

6.3 For these reasons, the proposed development is considered acceptable in principle subject to the detailed material considerations set out.

6.4 For the avoidance of doubt, this application seeks approval of details relevant to scale, appearance and landscaping only.

Character and appearance (including scale and landscaping)

6.5 According to Core Strategy Policy CS14, good design relates not only to the appearance of a development, but the way in which it functions. Paragraph 127 of the NPPF, states that planning decisions should ensure that developments (amongst others):

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain and appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.6 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD) which provides detailed design guidance on residential development. The NPPF, The SPG Quality Design, The Cold Ash and Ashmore Green Village Design Statement (2002) and House Extensions SPG also support these aims.
- 6.7 Policy HSA7 seeks to ensure the development of the application site secures 5 individually designed dwellings that reflect the existing settlement pattern comprising linear development fronting the ridge, built development on the higher part of the ground only, gaps in the built form to allow views of the open landscape to the south, retention of the front boundary hedgerow and provision of a soft edge to the southern boundary with tree planting, amongst other environmental criteria.

Scale and massing

- 6.8 The site occupies a prominent position at the eastern edge of this rural village. Development of this part of the village is in linear form, with existing dwellings set back from the road on large plots with mature trees and hedgerows which contribute to the visual distinctiveness and rural character of the locality. Existing dwellings within the locality are of differing scales and design. The two dwellings with a boundary to the site are Summerfield, a bungalow, to the east and Ridge End Barn, converted farm buildings to the west. These are approx. 5 metres and 7 metres in height, respectively. Other dwellings within this locality are two storey and are approximately 7.5 metres in height.
- 6.9 To overcome the reasons for refusal relevant to the refused reserved matters application 18/01977/REM and full application 18/02211/FUL, the applicants approach has been to essentially reduce the height of the dwellings, change the appearance of the houses including dormer windows amongst other detailing, change the rear balconies, reduce the rear patio areas, hiping of roof designs, repositioning of garages and more substantial landscaping.
- 6.10 This revised proposal has reduced the heights of plots 1 from 8.83m to 7.78m, plot 2 from 8.89m to 7.75m, plot 3 from 8.97m to 7.84m, plot 4 from 9.57m to 7.89m and plot 5 from 8.75m to 7.69m. The garages have been re-positioned on plots 1, 2 and 3 so they located to the side of the dwellings rather than projecting forward of the proposed building line. The garage ridge heights have to be reduced to 4.95m and are all single storey. These measures would help reduce the impact of the development from views on the Ridge and from the Kennet Valley. Furthermore, the proposed massing and scale would ensure gaps in the built form are maintained to allow views of the open landscape to the south from The Ridge.
- 6.11 More substantial landscaping and mitigation has been proposed to the frontage hedgerow and currently open southern boundary of the site including 'heavy standard' trees to the southern boundary would also help filter views of the proposed built form from the Kennet Valley and PROW to the south/south-west in the longer term.
- 6.12 This revised scheme, in terms of massing and scale, when taking into account all of the above mentioned proposed changes cumulatively, and taking in to account the wider variation in built form within Cold Ash with a range of building heights, but also acknowledging the proposal would be larger and higher than the adjacent dwellings at Ridge End Farm and Summerfield, on balance, would harmonise with the surroundings in the medium to longer term once soft landscaping matures.

Appearance

- 6.13 It is noted that existing development along the Ridge is largely characterised by two-storey dwellings in well-established large plots. Existing dwellings include significant variety in design and form which contributes to the character of the area. Features include dormer windows, projecting gables, hipped roofs as well as range of external materials from different brick types, render, tile hanging and weather boarding.
- 6.14 The proposal includes 5 individual two-storey houses with variation in external materials, hipped roofs, projecting gables, dormer windows and other architectural detailing including chimneys, timber framing and plinths. Taking into account the surrounding context, a modern residential development of the form proposed would, on balance, harmonise with the character and appearance of the area and would respect the existing settlement pattern.
- 6.15 It is also recognised having regard to the provisions of HSA Policy 7, the development has been informed by a Landscape and Visual Impact Assessment and would accord with the 2015 Landscape Capacity Assessment (2015) which confines built development to the higher ground along the road.

Landscaping

- 6.16 It is noted that a significant number of objections have been received in relation to the impact on the site frontage hedgerow. The importance of the hedgerow is also evidenced by specific reference to its retention under HSA Policy 7 and Landscape Capacity Assessment 2015. The main issue being on the extent of hedgerow being lost to facilitate the proposed access ways and associated visibility splays.
- 6.17 The Council's Tree Officer has carefully considered the proposal following a site visit as well as a review of all of the supporting submissions and considers the mitigation strategy offered by the applicant which includes the planting of an instant rural hedge of minimum 1.5m height early in the construction phase to off-set any hedgerow lost to facilitate the development to be acceptable. The species mix would contain Blackthorn, Field Maple, Hazel, Hornbeam and Dogwood (minimum 3 plant per linear metre) which is considered suitable. Other options such translocation of the hedgerow has been explored but it is considered that the planting of a new hedgerow is the most viable long term solution.
- 6.18 In coming to conclusion, the Councils Tree Officer has taken into account the provisions of The Hedgerow Regulations 1997 and The Environment Act 1995. Furthermore, the Officer considers that the application is supported by sufficient information to assess the overall impact on the frontage hedgerow and necessary mitigation.
- 6.19 It is also recognised that the principle of 3 new access ways with associated visibility splays was established at the outline application stage under application reference 16/02529/OUTD. Furthermore, it is also noted that the HSA Policy allows for up to 5 individual access ways with associated visibility splays to be provided through frontage hedgerow which would inevitably have a greater impact on hedgerow than the access arrangement approved under 16/02529/OUTD.
- 6.20 The proposed soft landscaping scheme shows new 3m wide landscape buffer to southern boundary which includes heavy standard trees and nature hedgerow, as well as the retention of the majority of existing hedgerow to the site frontage with new supplemental planting. The proposal would facilitate substantial new tree planting with the site resulting in a net gain in the site overall. The hard landscaping plans shows a mixture of tarmac, block paving, flag stones, timber decking and patio areas which would ensure the creation of a good quality landscaped environment.

6.21 Overall, the proposed landscaping would harmonise with surroundings.

Conclusion on scale, appearance and landscaping

6.22 In summary, whilst the matters relating to scale and appearance are more balanced, it is considered that the proposal would have an acceptable impact on the character of the area and would preserve the overall distinctiveness and spatial character of this part of the rural village in terms of scale, appearance and landscaping.

Impact on the setting of AONB

6.23 Policy ADDP5 seeks to ensure development proposals conserve the scenic beauty and distinctive character of the AONB. The NPPF gives the highest status of protection for the landscape and scenic beauty of AONBs, and states their conservation should be given great weight in planning decisions. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

6.24 The proposal would be located outside of the AONB but within its setting, taking into account the revised scale and massing of the proposal, and intervening road 'The Ridge' and new soft planting to the road frontage, it is considered that the proposal would conserve the scenic beauty and distinctive character of the AONB.

Residential Amenity

6.25 According to paragraph 127 of the NPPF, planning decisions should ensure that developments create places with a high standard of amenity for existing and future occupiers. According to Core Strategy Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. As such, the impacts on neighbouring living conditions in terms of any loss of light, loss of privacy, loss of outlook, any overbearing impacts, or any significant noise and disturbance, are material considerations. The Council's adopted Quality Design SPD and House Extensions SPG provide guidance on such matters that may be applicable to all development proposals. The Human Rights Act 1988 (as amended), protocol 1, article 1 sets out further provisions which states that a person has the right to peaceful enjoyment of all their possessions.

Neighbouring residential amenity

6.26 This revised application has removed the first floor external balconies above the first floor flat roofs that created a loss of privacy to the occupiers of neighbouring dwellings and replaced them with Juliet balconies. In addition, the scale of the houses and garages have been reduced.

6.27 In terms of separation distances, based on the supporting layout plans, Plot 5 at two-storey level would be approx. 14m from the side elevation of Summerfield and would be approx. 6.5m away at single storey level (proposed garage). Plot 1 at two-storey level would be approx. 23m from the front elevation of Ridge End Farm and at single storey level (proposed garage) would approx. 15m away. On balance, it is considered that this revised proposal, taking into account relevant separation distances and well as the provision of suitable boundary treatment/soft landscaping, would preserve neighbouring residential amenity in terms of loss of outlook, light and privacy and would avoid any significant overbearing impact. Furthermore, this revised proposal addresses the reasons for refusal under reserved matters application 18/01977/REM in terms of impact on neighbouring residential amenity.

- 6.28 Planning conditions can also be imposed to further protect neighbouring residential amenity including ensuring the use of obscure glazing to the first floor windows of plot 1 and plot 5 where they face Summerfield and Ridge End Farm and as well as suitable boundary treatment with these adjacent properties to mitigate any potential loss of privacy.

Residential amenity of future occupiers

- 6.29 The supporting plans demonstrate ample levels of internal and external amenity space would be provided in the interests of ensuring a high quality living environment for future occupiers.
- 6.30 For these reasons, the proposal would have an acceptable impact on neighbouring residential amenity and would result in the creation of a high quality living environment for future occupiers. In coming to conclusion, officers have also taken into account the provisions of The Human Rights Act 1988 (as amended).

Highways Matters

- 6.31 According to Core Strategy Policy CS13, development that generates a transport impact will be required to (amongst other criteria): reduce the need to travel; improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities.
- 6.32 It is noted concerns that have been raised over the potential highways impact taking in to account cumulative impacts associated with the operation of the nearby school. In this regard, Policy HSA7 allocates the site for 5 dwellings, and therefore the traffic impacts of the proposal on the local highway network, and the location terms of its accessibility by sustainable modes of transport, have already been judged to be acceptable through the plan-making process. In addition, the granting of outline planning permission reference 16/02529/OUT approved the access arrangements for the development, as such, in terms of highways impact, the proposal is considered to be acceptable.
- 6.33 Notwithstanding the above, this detailed proposal has been carefully considered by the Council's Highway Team who raise no objection subject to the imposition of planning conditions to secure electric car charging points, setting back of gates and appropriate driveway gradients. Other details such as construction management plan, visibility splays and access surfacing are covered under planning conditions forming part of the outline planning permission.
- 6.34 In terms of refuse storage and parking provision, the supporting layout plans demonstrate the site would adequately meet the refuse storage, off-road cycle and car parking provision requirements of development.
- 6.35 For the above reasons, taking into account any cumulative impacts, the proposal would not have an adverse impact on the local highways infrastructure in terms of traffic generation or highway safety.

Other matters

- 6.36 Representations have been received from objectors of the need to assess whether Outline Approval was granted as a result of allegedly incorrect information and whether the council should serve a modification or revocation order to address access arrangements. These matters are beyond the scope of this officer report and therefore are being considered separately by the Council.

- 6.37 Matters relating to flood risk, ecology, housing mix, affordable housing provision, new footway links and contamination, amongst others matters were settled through the approval of the outline application reference 16/02529/OUT and therefore are not commented on further as part of this report.
- 6.38 Satisfactory amended plans have been received during the course of the application to address concerns that 'Rooksdown' and elevations to the proposed dwellings were not represented accurately within the applicants planning submissions.

7. Planning Balance and Conclusion

- 7.1 Having taken account of all the relevant planning policy considerations and other material considerations set out above, whilst a balanced decision, it is considered that the proposed development complies with the development plan when considered as a whole and is therefore recommended for approval.

8. Full Recommendation

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

Conditions

1.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans listed below:</p> <ul style="list-style-type: none"> • 18-P0023-100 Rev D – Colour site plan • 18-P0023-101 Rev F – Proposed site information plan • 18-P0023-102 Rev B – Plot 1 • 18-P0023-103 – Plot 2 • 18-P0023-104 – Plot 3 • 18-P0023-105 Rev A – Plot 4 • 18-P0023-106 Rev A – Plot 5 • 18-P0023-107 Rev E – Street scene Sections • 18-P0023-108 Rev A – Proposed garages plots 1 to 2 • 18-P0023-109 Rev A – Proposed garage plot 5 • 18-P0023-110 Rev E – Soft landscaping • 18-P0023-111 Rev C – Hard landscaping • 18-P0023-112 Rev D – Access plot 1 to 2 • 18-P0023-113 Rev D – Access plots 3 to 4 • 18-P0023-114 Rev D – Access plot 5 • 18-P0023-115 – Proposed entrance gates • 18-P0023-CP – Context Plan <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2.	<p>Electric Charging Points</p> <p>Prior to above foundation level development taking place on the dwellings hereby permitted, details of electric vehicle charging points shall have been submitted to and approved in writing by the Local Planning Authority. Each individual dwelling hereby</p>

	<p>permitted shall not be occupied until the electric vehicle charging point(s) has been provided in accordance with the approved drawings for that respective dwelling. The charging point(s) shall thereafter be retained and kept available for use by electric vehicles.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
3.	<p>Boundary Treatment</p> <p>Notwithstanding the information shown on the supporting plans, prior to the first occupation of any dwellings hereby permitted, details (indicating the position, design, materials and type) of all boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before any dwelling hereby permitted is first occupied. The approved boundary treatments shall thereafter be retained as such.</p> <p>Reason: To protect neighbouring residential amenity from loss of privacy and to ensure the satisfactory appearance of the development in accordance with Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) and guidance contained within the National Planning Policy Framework (February 2019), Planning Practice Guidance (PPG), WBC House Extensions SPG (2004), WBC Quality Design SPD Part 2 Residential Development (2006) and Cold Ash and Ashmore Green Village Design Statement (2002).</p>
4.	<p>Soft Landscaping Specification</p> <p>No development or other operations shall commence on site until a detailed scheme of landscaping for the site that accords with the landscaping strategy set out on drawing no. 18-P0023-110 REV E 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;</p> <ul style="list-style-type: none"> a) Completion of the approved landscape scheme within the first planting season following completion of development. b) Any trees shrubs or plants that die or become seriously damaged within fifteen years of this development shall be replaced in the following year by plants of the same size and species. <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with Policies ADPP1 CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and guidance contained within the National Planning Policy Framework (February 2019), Planning Practice Guidance (PPG), WBC House Extensions SPG (2004), WBC Quality Design SPD Part 2 Residential Development (2006) and Cold Ash and Ashmore Green Village Design Statement (2002). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>

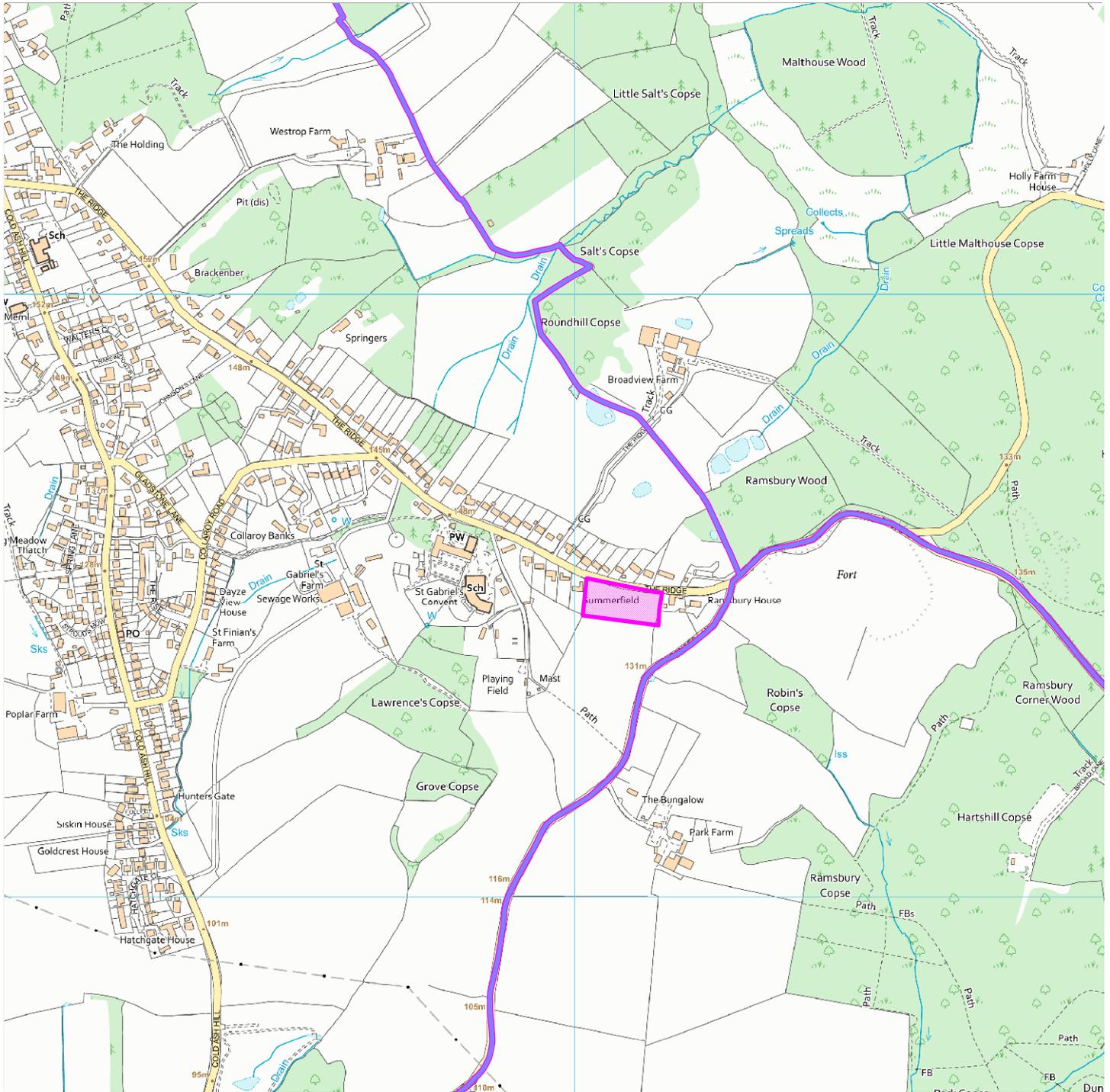
5.	<p>Instant Hedge</p> <p>Within 3 months of development commencing, the instant hedge as shown on drawing 18-P0023-110 REV E shall be planted as shown to include at least 6 native varieties of shrubs with a minimum height when planted to be at least 1.5metres and any maintenance regime is to be carried out as per the grower's specification. Any plants that die or become seriously damaged within fifteen years of this development shall be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the Policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and guidance contained within the National Planning Policy Framework (February 2019), Planning Practice Guidance (PPG), WBC House Extensions SPG (2004), WBC Quality Design SPD Part 2 Residential Development (2006) and Cold Ash and Ashmore Green Village Design Statement (2002).</p>
6.	<p>Setting Back of Gates</p> <p>Any gates to be provided at accesses where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least five metres from the edge of the public highway.</p> <p>Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework (July 2018) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
7.	<p>Driveway Gradients</p> <p>The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.</p> <p>Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
8.	<p>Balconies</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the external areas above first floor flat roofs over any single storey rear extensions to the dwellings hereby permitted shall not be used as first floor balcony areas/sun terraces or similar external domestic use.</p> <p>Reason: To protect neighbouring residential amenity from loss of privacy in accordance with policy CS14 of the West Berkshire Core Strategy (2006-2026) and guidance contained within the National Planning Policy Framework (February 2019), Planning Practice Guidance (PPG), WBC House Extensions SPG (2004), WBC Quality Design SPD Part 2 Residential Development (2006) and Cold Ash and Ashmore Green Village Design Statement (2002).</p>

9.	<p>Obscure glazing</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the first floor windows in the east facing elevation of plot 1 (facing towards Ridge End Barn) and west facing elevation of elevation of plot 5 (facing towards Summerfield) shall be of a top opening design only and shall be fitted with obscure glazing before each respective dwelling is first occupied and thereafter shall be retained in this form. Any replacement windows shall also be of top opening design and incorporate obscure glazing.</p> <p>Reason: To protect neighbouring residential amenity from loss of privacy in accordance with policy CS14 of the West Berkshire Core Strategy (2006-2026) and guidance contained within the National Planning Policy Framework (February 2019), Planning Practice Guidance (PPG), WBC House Extensions SPG (2004), WBC Quality Design SPD Part 2 Residential Development (2006) and Cold Ash and Ashmore Green Village Design Statement (2002).</p>
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Informative Notes

1.	<p>Working Proactively with the Applicant</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.</p>
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Land adjacent to Summerfield, The Ridge, Cold Ash



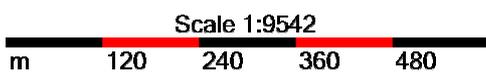
Map Centre Coordinates :

Scale : 1:9541

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	05 March 2020
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	18/03340/COMIND Greenham Parish	24 April 2019 ¹	Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) Newbury Racecourse, Racecourse Road Newbury Racecourse – Applicant

¹ Extension of time agreed with applicant until 30 March 2020

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03340/COMIND>

Recommendation Summary: The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.

Ward Member(s): Councillor Phil Barnett
Councillor Billy Drummond
Councillor Erik Pattenden

Reason for Committee Determination: The Council has received 10 letters of objection. Brought back to Committee due to alteration to the proposed terms of the Section 106 Legal Agreement

Committee Site Visit: 27th June 2019

Contact Officer Details

Name: Simon Till
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Simon.till@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the permanent change of use of the racecourse Lodge to provide 36 hotel bedrooms. An accompanying application, reference 19/00225/COMIND seeks permission for the development of an extension to the Lodge to provide an additional 40 hotel bedrooms.
- 1.2 On 03 July 2019 the Western Area Planning Committee considered this application and resolved to grant conditional approval for the proposed permanent change of use subject to a legal agreement securing that the approved 123 bedroom hotel that benefits from extant planning permission on the site was not to be developed. Now the applicant has proposed an alteration to the terms of this legal agreement that secures instead a limit on the number of hotel bedrooms that can be developed on the site, thereby retaining the option of developing the consented 123 bedroom hotel at a later date.

2. Planning History

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

Application	Proposal	Decision / Date
09/00971/OUTMAJ	Outline planning permission for redevelopment of racecourse to [inter alia] the new hostel.	Approved April 2010
11/00723/RESMAJ	Western area - erection of 421 dwellings with associated works and access.	Approved October 2011
11/01505/RESMAJ	Erection of 123 bedroom hotel, hostel, nursery, offices, refurbishment of stables and access.	Approved November 2011
14/03109/OUTMAJ	Application to vary the original outline consent to allow up to 250 dwellings to be constructed prior to opening of bridge (most recent permission for entire site).	Approved February 2016
15/03152/COMIND	Change of use of hostel (Sui generis) as a hotel (C1) for up to 305 days per year for a temporary period of up to 3 years.	Approved March 2016.

3. Procedural Matters

- 3.1 The proposed works are not EIA development under the meaning given in Schedules 1 or 2 of the Environmental Impact Assessment Regulations 2017.
- 3.2 Site notice displayed 5 February 2019. Expired 26 February 2019.
- 3.3 The proposed works are not such as to attract the payment of CIL under the Council's adopted charging schedule.

4. Consultation

Statutory and non-statutory consultation

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

<p>Greenham Parish Council:</p>	<p>Objection. This application has raised a number of objections from residents - mainly those living in Horsewalk, which is very close to The Lodge. It is felt that the original consented use purely as overnight accommodation for 'lads' prior to/on race days (only about 25 a year) was acceptable but that the temporary extension of use of the considerable spare capacity as a hotel (mainly on race days) was a different matter. If this is to be extended permanently, with the 'quid pro quo' being the unilateral cancellation by Newbury Racecourse of its plans for a hotel on a more suitable site well away from residential homes, GPC objects on the basis that this has been shown to cause harm to amenity of residents.</p> <p>GPC to write to the British Horse racing club – in contravention of their rules.</p>
<p>Newbury Town Council</p>	<p>Objection. The Racecourse should be required to build the original hotel, as previously approved. Affected neighbours have not been sufficiently consulted, and their concerns have not been sufficiently addressed. This proposal will cause duress to nearby residents, with issues re noise, access and egress. The present planning permission requires that the hostel should be reserved for the use of stable lads for at least 60 days per year.</p> <p>If the application is approved, the following actions should be taken: 1) The present cut off time for street lighting of 11 p.m. should be retained. 2) The Racecourse should maintain ongoing consultation with adjoining residents of the hostel, to minimise inconvenience to them. 3) Suitable screening should be erected to shield neighbours from noise and light pollution from the hostel/hotel.</p>
<p>WBC Highways:</p>	<p>The Lodge building was originally approved to house stables and racecourse staff. It was then in 2016 changed to a hotel use for 305 days per year for a temporary period of three years. The proposal is now to permanently have the building as a hotel throughout the year</p> <p>A hotel was originally planned within the Newbury Racecourse but it was to be on the eastern side of the development. If this ever goes ahead, this would need to be considered at that time.</p> <p>I am not aware of any traffic or highway difficulties with the existing use, and such issues does not seem to be mentioned much within the objection letters so far submitted. There does seem to be issues surrounding noise. I have much sympathy for this, but this is not a concern for the Highway Authority. I</p>

	therefore I raise no objection to the proposal.
Environmental Health	No objections but recommend conditions requiring noise management and restriction on operation of external lighting.
Archaeology	No objections.

Public representations

4.2 Representations have been received from 10 contributors, none of which support, and 10 of which object to the proposal.

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

- Overlooking and noise impacts on neighbouring residential properties;
- Increase in traffic movements and parking requirements;
- Concerns regarding the level of available accommodation for stable staff during race meetings;
- Existing consent for a 123 bedroom hotel to the east of the site;
- No sequential assessment of need for 2 hotels on the site in a non- town centre location;
- Lack of development of approved 123 bedroom hotel would alter the appearance of the "heart space" of the racecourse development;
- Use is incompatible with residential use;
- Proposed works do not support the racehorse industry so are contrary to Policy CS12.

The following matters that are not material planning considerations in this application have also been raised:

- Compliance with racehorse industry rules and standards;
- Impact of proposed change of use on property prices;
- Level of parking provision approved under planning permissions for residential development;
- No consideration of alternative uses for the lodge building if superfluous to need.

5. Planning Policy

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

- Policies ADPP1, ADPP2, CS2, CS5, CS9, CS11, CS12, CS13, CS14 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle and impact on neighbouring amenity.
- Provision of hotel accommodation and terms of the proposed Section 106 legal agreement

Principle of development & Amenity of neighbouring occupants

6.2 At the previous Committee to which this application was called on the 3rd July 2019 Members considered the acceptability of the principle of development and the impact on neighbouring amenity and resolved to grant planning permission subject to the conditions recommended in the report and an additional condition securing the availability of the coffee shop associated with the hostel for use by various groups in the community (see paragraph 6.5 below). The acceptability of the proposed change of use in terms of both principle and impacts on neighbouring amenity is therefore considered by officers to have been established in the Committee's previous resolution. The report to the Committee on the 3rd July 2019 is attached as an appendix to this Committee agenda and your officer does not intend to revisit these considerations. The remainder of this report will go on to address the proposed alteration to the terms of the proposed Section 106 legal agreement and its implications.

Alteration of the terms of the proposed S106 legal agreement

6.3 Members will recall that when resolving to grant conditional approval for the permanent change of use of the lodge to provide hotel accommodation a provision of the resolution to approve was that a Section 106 legal agreement be entered into with the Council to prevent development of the extant planning consent for a 123 bedroom hotel to the east of the "Heart Space" that formed part of the works approved reference 11/01505/RESMAJ. It is clear that this consent has been implemented as all other works to develop the "Heart Space" are substantially complete, including development of the Lodge itself. Since the Committee meeting on the 3rd July 2019 the applicants have met with officers to discuss the provisions of the legal agreement to be attached to the planning permission for this development, and have requested that officers consider an alternative agreement to take effect immediately upon the issuing of planning permission whereby a maximum limit of 123 hotel bedrooms is imposed across the entire racecourse site.

6.4 Officers have given consideration to this proposal and are of the view that it reasonably reflects the circumstances under which the principle of development has been accepted: The consented 123 bedroom hotel could currently be implemented without need for further planning permission; the proposed permanent change of use of the lodge and associated hotel extension would provide a total of 76 hotel bedrooms on the site. Therefore should a legal agreement secure a maximum of 123 hotel bedrooms across the site the racecourse would necessarily be prevented from developing the consented hotel until such a time as the lodge and extension ceased to be used as a hotel. However, should the provision of additional hotel bedrooms up to a maximum of 123 bedrooms across the site prove to be of commercial benefit the extant hotel planning permission would stand to be a material planning consideration in considering any application for these works, while if permission was sought for hotel accommodation

that would exceed the agreed 123 bedrooms a planning application would need to be accompanied by a full sequential test to demonstrate the need and appropriateness of this use in a site outside of a town centre in accordance with the provisions of the NPPF. Since the main reasons that a Section 106 agreement is required are that planning permission only exists for up to 123 hotel bedrooms on the site and that the current application is not accompanied by a sequential test as required by both the NPPF and Policy CS, it is the view of officers that the proposed terms of the legal agreement to limit the amount of hotel bedrooms to a maximum of 123 are proportionate to addressing what is necessary to control such development on the racecourse site without being unnecessarily restrictive or unduly prejudicing the consideration of future planning applications on the site by allowing the number of 123 hotel bedrooms already consented in the extant permission to remain as a material consideration, or for the applicant to revert to this permission by ceasing use of the Lodge and extension as a hotel.

Other matters

- 6.5 Members will recall that the resolution to approve was subject to an additional request from Members that the coffee shop/bar area within should continue to be available to the general public including local community groups for whom it provides a valuable amenity. Therefore, in consultation with Councillor Vickers, officers have agreed to recommend condition 4 (section 8, below) to secure the availability of this area.

7. Planning Balance and Conclusion

- 7.1 Officers have considered the proposed alteration of the terms of the legal agreement, which is based on genuine commercial concerns of the racecourse as operator of the site. It is your officer’s view that the proposed alteration would not be unduly prejudicial to consideration of future applications for additional hotel accommodation on the site, while allowing the applicant to retain the potential for reversion to development of the approved 123 bedroom hotel should this prove commercially necessary at some point in the future, or the flexibility to seek permission for additional hotel facilities up to the consented number of hotel bedrooms subject of permission 11/01505/RESMAJ.

8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by three months of the date of this Committee (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed, to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

1.	<p>Vehicular accesses</p> <p>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.</p> <p>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</p>
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	Strategy 2006 to 2026.
2.	<p>External lighting The external lighting to the hotel shall be switched off no later than 11pm daily and shall not be operated before 7am.</p> <p>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.</p>
3.	<p>Noise management plan 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:</p> <ul style="list-style-type: none"> - Noise from guest and other users of the hotel - Noise from people using the outside seating area to the west of the restaurant bar - Noise from service vehicles and delivery operations. <p>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.</p>
4.	<p>Availability of café/bar to public The café/bar area of The Lodge will be available for use by members of the general public purchasing food and/or drink during normal opening hours (i.e. between the hours of 9am and 10.30pm), with the following exceptions:</p> <ul style="list-style-type: none"> - when there is a private function, which has exclusive use of The Lodge; or - when the café/bar area is otherwise closed. <p>Unless an alternative arrangement is submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure that the café/bar area remains available for general use by members of the public and community groups in accordance with the recommendations of the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, for new development to facilitate the provision of healthy, safe environments.</p>

Heads of Terms for Section 106 Agreement

1.	<p>Maximum number of hotel bedrooms on the site The terms of the Section 106 agreement shall secure that no more than 123 hotel bedrooms are provided on the racecourse site.</p>
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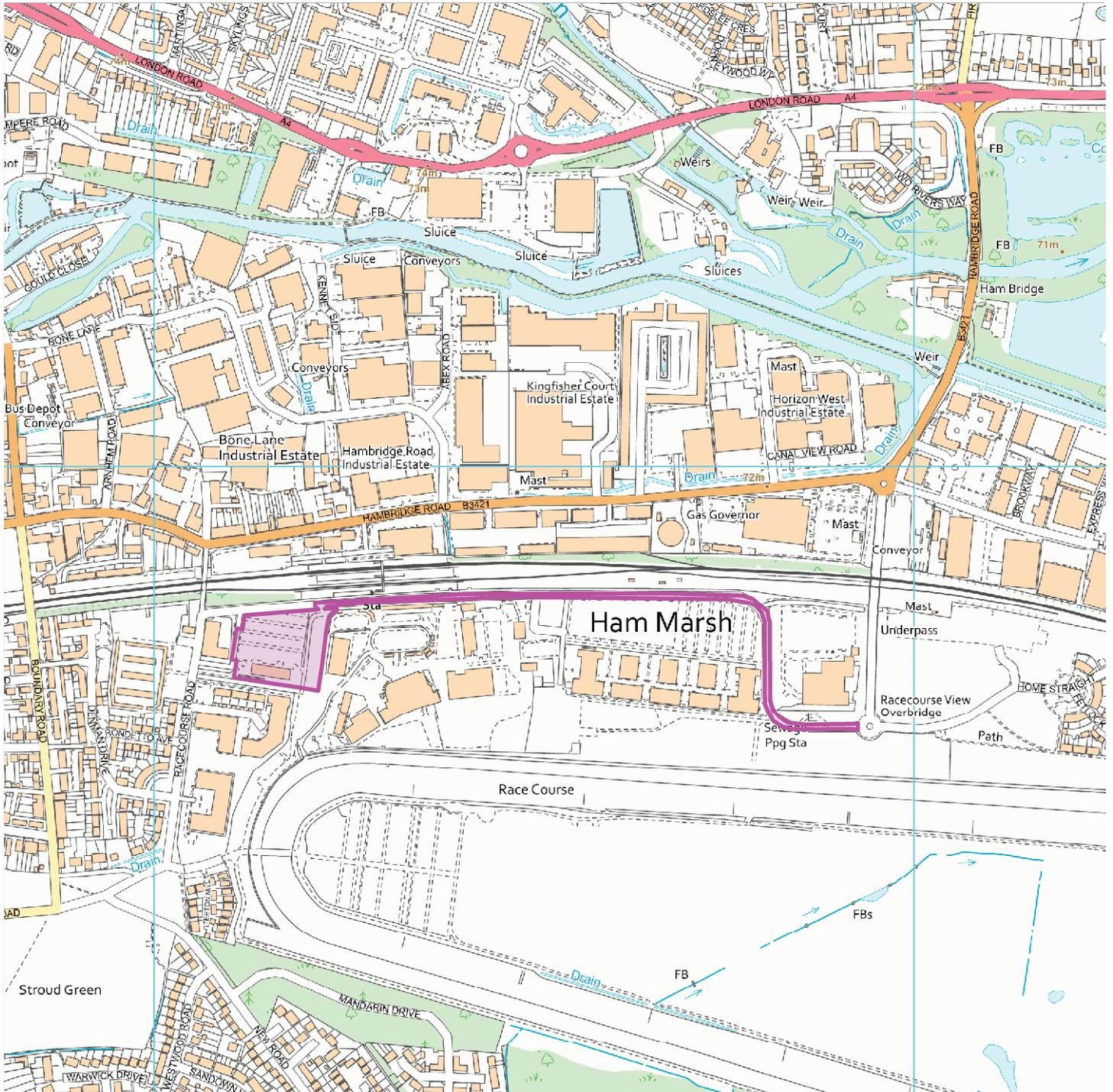
Refusal Reasons

1.	<p>Planning obligation The application fails to provide an appropriate planning obligation to prevent the over-provision of hotel bedrooms in a non-town centre location without adequate justification. The application is not accompanied by sufficient information or a sequential test to demonstrate that it would result in provision of hotel accommodation</p>
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(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.

Informatives

- | | |
|----|--|
| 1. | Proactive
This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area. |
|----|--|



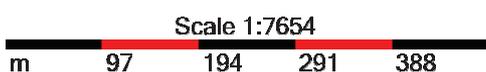
Map Centre Coordinates :

Scale : 1:7653

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 June 2019
SLA Number	0100024151



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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	19/00225/COMIND Greenham Parish	03 May 2019 ¹	Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms. The Lodge at Newbury Racecourse, Racecourse Road Newbury Racecourse – Applicant

¹ Extension of time agreed with applicant until 30 March 2020

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00225/COMIND>

Recommendation Summary: **The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.**

Ward Member(s): Councillor Phil Barnett
Councillor Billy Drummond
Councillor Erik Pattenden

Reason for Committee Determination: The Council has received 10 letters of objection. Brought back to Committee due to alteration to the proposed terms of the Section 106 Legal Agreement

Committee Site Visit: 27th June 2019

Contact Officer Details

Name: Simon Till
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Simon.till@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for extension of the existing racecourse Lodge to provide 40 hotel bedrooms. An accompanying application, reference 18/03340/COMIND seeks permission for the permanent change of use the Lodge to hotel, providing 36 hotel bedrooms. The total of proposed hotel bedrooms between the two applications is 76, with the main facilities, including bar/coffee shop, reception, administration, etc. to remain within the Lodge itself.
- 1.2 On 03 July 2019 the Western Area Planning Committee considered this application and resolved to grant conditional approval for the proposed extension and accompanying application for permanent change of use subject to a legal agreement securing that the approved 123 bedroom hotel that benefits from extant planning permission on the site was not to be developed. Now the applicant has proposed an alteration to the terms of this legal agreement that secures instead a limit on the number of hotel bedrooms that can be developed on the site, thereby retaining the option of developing the consented 123 bedroom hotel at a later date.

2. Planning History

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

Application	Proposal	Decision / Date
09/00971/OUTMAJ	Outline planning permission for redevelopment of racecourse to [inter alia] the new hostel.	Approved April 2010
11/00723/RESMAJ	Western area - erection of 421 dwellings with associated works and access.	Approved October 2011
11/01505/RESMAJ	Erection of 123 bedroom hotel, hostel, nursery, offices, refurbishment of stables and access.	Approved November 2011
14/03109/OUTMAJ	Application to vary the original outline consent to allow up to 250 dwellings to be constructed prior to opening of bridge (most recent permission for entire site).	Approved February 2016
15/03152/COMIND	Change of use of hostel (Sui generis) as a hotel (C1) for up to 305 days per year for a temporary period of up to 3 years.	Approved March 2016.

3. Procedural Matters

- 3.1 The proposed works are not EIA development under the meaning given in Schedules 1 or 2 of the Environmental Impact Assessment Regulations 2017.
- 3.2 Site notice displayed 5 February 2019. Expired 26 February 2019.
- 3.3 The proposed works are not such as to attract the payment of CIL under the Council's adopted charging schedule.

4. Consultation

Statutory and non-statutory consultation

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

<p>Greenham Parish Council:</p>	<p>Object. Objection: If extension is allowed GPC are concerned that this would take away any land, available for a community centre, which was part of the original Racecourse planning application.</p>
<p>Newbury Town Council</p>	<p>Objection / comment: This building was intended as a facility for racing staff on Race Days. This application will more than double its size and result in its full use throughout the year, which will greatly increase the disturbance to the 25 or so local residents located at about 20 metres distant. The 120-bed hotel intended in the Racecourse planning consent, to be located near the Stands and so without these disadvantages, should be respected, and the lodge should not be adopted as a substitute for it. Examples of other dual-function lodges at Racecourses quoted by the applicant (York and Chester) are located remotely from residential accommodation.</p>
<p>WBC Highways:</p>	<p>I refer to my previous response dated February 25th 2019 and the response the applicant’s agent Catherine Tyler from March 11th 2019 [case officer’s note, the email concerned was received 4th March 2019]. I have also viewed objection letters submitted.</p> <p>As stated previously, pages 6 of the TS provides detail of car parking surveys that were undertaken on October 25th and 26th 2018 that represented conditions on a race day and a non - race day. On a non - race day there is a significant amount of surplus car parking available. However on race days, there is much less of a surplus. The TS then states that should the parking on the grass and gravel areas be managed more efficiently. However I do not consider that this is possible to secure. I am therefore concerned that there will not be sufficient levels of car parking on race days. Can more be done to resolve this issue?</p> <p><i>In response, the applicants agent has stated that the “NRC already has a very effective parking management strategy in place, which is managed by a third party contractor and this ensures that available formal and informal parking areas are maximised as necessary...It is important to note that as the car park is managed by NRC, there is some flexibility as to how efficiently the car park is managed (i.e. how close cars park to each other etc), and as noted within the TA, on the race day observed, the current car park has the potential to accommodate up to 310 cars. It is in NRC interest to ensure that parking is managed appropriately and for the parking areas to operate efficiently. The TA notes that the peak demand for parking resulted in the equivalent of 36 vacant spaces on the race day</i></p>

	<p><i>observed. On that basis, a reduction of 16 car parking spaces as a result of the proposed development would still leave capacity for up to 20 vacant spaces available on a race day (which could be utilised if required, through the management of the car park on that day)”.</i></p> <p>I consider that a 20 car parking margin is of concern for such a large facility. However there is no evidence to suggest that there will be a shortfall in parking overall or that any shortfall will be extensive enough to raise objection.</p> <p>The applicant’s agent then discusses sustainability issues and the areas accessibility to the train station, bus services etc. I do concur with this, but I also consider that that the majority of clientele will travel to the hotel by car. However as stated previously, page 13 of the TS details expected traffic levels that will arrive via Hambridge Road only. I have no concerns regarding traffic levels. Little or no increase is expected via Stroud Green. Some clientele could be dropped off near the hotel via Stroud Green, but I think numbers will be limited.</p> <p>The proposal will need to comply with the Council’s Cycle and Motorcycle Advice and Standards for New Development November 2014. Will the hotel also have electric car charging points?</p> <p>In conclusion, I have some concerns, but they are not sufficient to raise an objection. Conditions recommended requiring construction method statement, cycle storage, electric charging point details and parking provision.</p>
Environmental Health	No objections but recommend conditions requiring noise management and restriction on operation of external lighting.
SuDS	No further comments received.
Thames Water	No objections on foul water infrastructure or surface water infrastructure; advise that there are mains crossing the site and building should not be on top of these; no objections on water network capacity.
Archaeology	No objections.

Public representations

- 4.2 Representations have been received from 11 contributors, none of which support, and 11 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council’s website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Overlooking and noise impacts on neighbouring residential properties;
 - Increase in levels of noise associated with lodge building;

- Concerns regarding overlooking of nearby children’s nursery;
- Increase in traffic movements and parking requirements;
- Concerns regarding the level of available accommodation for stable staff during race meetings;
- Existing consent for a 123 bedroom hotel to the east of the site;
- No sequential assessment of need for 2 hotels on the site in a non-town centre location;
- Lack of development of approved 123 bedroom hotel would alter the appearance of the “heart space” of the racecourse development;
- Use is incompatible with residential use;
- Proposed works do not support the racehorse industry so are contrary to Policy CS12.
- High level of hotel accommodation in Newbury town centre;
- Visual impact of car park overflow area;
- Contrary to Policy CS12 as does not support the racehorse industry.

The following matters that are not material planning considerations in this application have also been raised:

- Compliance with racehorse industry rules and standards;
- Impact of proposed works on property prices;
- Level of parking provision approved under planning permissions for residential development
- No consideration of alternative uses for the lodge building if superfluous to need

5. Planning Policy

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

- Policies ADPP1, ADPP2, CS2, CS5, CS9, CS11, CS12, CS13, CS14 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS6 and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- The West Berkshire SuDS SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle and impact on neighbouring amenity.
- Provision of hotel accommodation and terms of the proposed Section 106 legal agreement

Principle of development, parking provision and impact on neighbouring amenity

- 6.2 At the previous Committee to which this application was called on the 3rd July 2019 Members considered the acceptability of the principle of development, parking provision at the site and the impact on neighbouring amenity and resolved to grant planning permission subject to the conditions recommended in the report. The acceptability of the proposed works to extend the Lodge in terms of both principle and impacts on neighbouring amenity and parking levels is therefore considered by officers to have been established in the Committee's previous resolution. The report to the Committee on the 3rd July 2019 is attached as an appendix to this Committee agenda and your officer does not intend to revisit these considerations. The remainder of this report will go on to address the proposed alteration to the terms of the proposed Section 106 legal agreement and its implications.

Alteration of the terms of the proposed S106 legal agreement

- 6.3 Members will recall that when resolving to grant conditional approval for the proposed extension a provision of the resolution to approve was that a Section 106 legal agreement be entered into with the Council to prevent development of the extant planning consent for a 123 bedroom hotel to the east of the "Heart Space" that formed part of the works approved reference 11/01505/RESMAJ. It is clear that this consent has been implemented as all other works to develop the "Heart Space" are substantially complete, including development of the Lodge itself. Since the Committee meeting on the 3rd July 2019 the applicants have met with officers to discuss the provisions of the legal agreement to be attached to the planning permission for this development, and have requested that officers consider an alternative agreement to take effect immediately upon the issuing of planning permission whereby a maximum limit of 123 hotel bedrooms is imposed across the entire racecourse site.
- 6.4 Officers have given consideration to this proposal and are of the view that it reasonably reflects the circumstances under which the principle of development has been accepted: The consented 123 bedroom hotel could currently be implemented without need for further planning permission; the proposed permanent change of use of the lodge and associated hotel extension would provide a total of 76 hotel bedrooms on the site. Therefore should a legal agreement secure a maximum of 123 hotel bedrooms across the site the racecourse would necessarily be prevented from developing the consented hotel until such a time as the lodge and extension ceased to be used as a hotel. However, should the provision of additional hotel bedrooms up to a maximum of 123 bedrooms across the site prove to be of commercial benefit the extant hotel planning permission would stand to be a material planning consideration in considering any application for these works, while if permission was sought for hotel accommodation that would exceed the agreed 123 bedrooms a planning application would need to be accompanied by a full sequential test to demonstrate the need and appropriateness of this use in a site outside of a town centre in accordance with the provisions of the NPPF. Since the main reasons that a Section 106 agreement is required are that planning permission only exists for up to 123 hotel bedrooms on the site and that the current application is not accompanied by a sequential test as required by both the NPPF and Policy CS, it is the view of officers that the proposed terms of the legal agreement to limit the amount of hotel bedrooms to a maximum of 123 are proportionate to addressing what is necessary to control such development on the racecourse site without being unnecessarily restrictive or unduly prejudicing the consideration of future planning applications on the site by allowing the number of 123 hotel bedrooms already consented in the extant permission to remain as a material consideration, or for the applicant to revert to this permission by ceasing use of the Lodge and extension as a hotel.

Other matters

- 6.5 Officers note that in the Committee report on the 3rd July 2019 condition 11 was left as a place holder pending further comments from the drainage officer in the update sheet. It would appear that these comments were not received and consequently a pre-commencement condition has now been recommended by your officer in order to address the provision of a suitable scheme of drainage measures for the proposed extension works. Other conditions are as recommended and accepted in the Committee's previous resolution to grant planning permission for these works.

7. Planning Balance and Conclusion

- 7.1 Officers have considered the proposed alteration of the terms of the legal agreement, which is based on genuine commercial concerns of the racecourse as operator of the site. It is your officer's view that the proposed alteration would not be unduly prejudicial to consideration of future applications for additional hotel accommodation on the site, while allowing the applicant to retain the potential for reversion to development of the approved 123 bedroom hotel should this prove commercially necessary at some point in the future, or the flexibility to seek permission for additional hotel facilities up to the consented number of hotel bedrooms subject of permission 11/01505/RESMAJ.

8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by three months of the date of this Committee (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed, to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

1.	<p>Three years for commencement The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.</p>
2.	<p>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.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3.	<p>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.</p>

	<p>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.</p>
4.	<p>Construction management plan</p> <p>The development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (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 <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (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).</p>
5.	<p>Parking in accordance with drawings</p> <p>No 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.</p> <p>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.</p>
6.	<p>Cycle storage</p> <p>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.</p> <p>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.</p>
7.	<p>Electric vehicle charging points</p> <p>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</p>

	<p>application. The electric charging points shall be installed in accordance with the approved details and shall be retained for charging electric vehicles thereafter.</p> <p>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).</p>
8.	<p>BREEAM</p> <p>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.</p> <p>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.</p>
9.	<p>Hours of construction work</p> <p>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.</p> <p>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.</p>
10.	<p>Noise from mechanical plant</p> <p>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.</p> <p>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.</p>
11.	<p>SuDS</p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ul style="list-style-type: none"> a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, 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; f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site; g) 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;

<p>k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.</p> <p>m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</p> <p>w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition, or before occupation of the first dwelling on the site in the event that such a timetable is not submitted. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat 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), and Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Systems SPG (2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>

Heads of Terms for Section 106 Agreement

<p>1. Maximum number of hotel bedrooms on the site The terms of the Section 106 agreement shall secure that no more than 123 hotel bedrooms are provided on the racecourse site.</p>

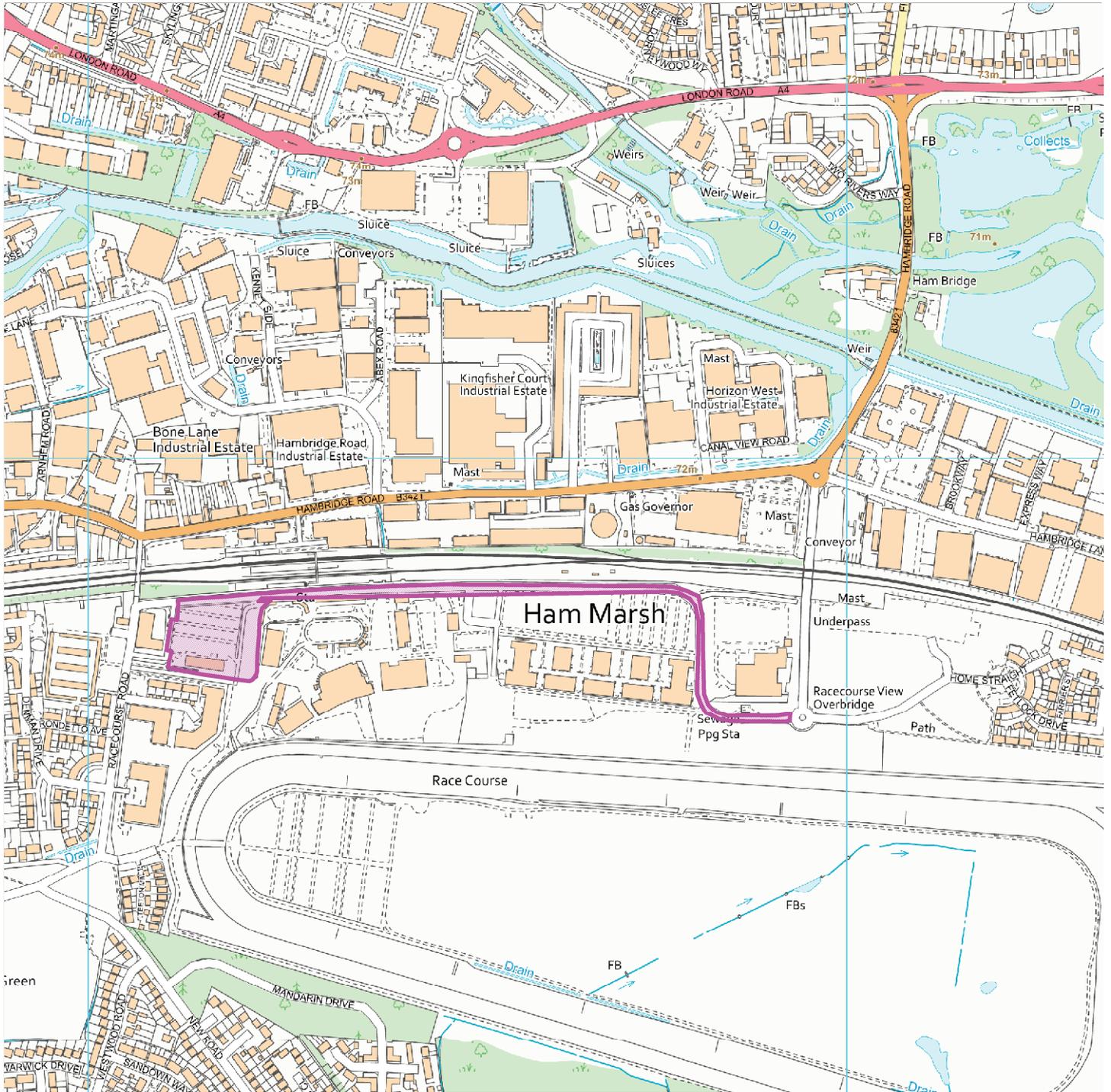
Refusal Reasons

<p>1. Planning obligation The application fails to provide an appropriate planning obligation to prevent the over-provision of hotel bedrooms in a non-town centre location without adequate justification. 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.</p>
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Informatives

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| 1. | <p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p> |
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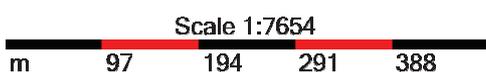
Map Centre Coordinates :

Scale : 1:7653

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 June 2019
SLA Number	0100024151



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