

Note: These Minutes have been amended. Please see Minutes of 5 August 2020 for amendments.

## **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 15 JULY 2020**

**Councillors Present:** Jeremy Cottam, Alan Law (Chairman), Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Graham Pask, Joanne Stewart and Keith Woodhams (Substitute) (In place of Geoff Mayes)

**Also Present:** Michael Butler (Principal Planning Officer), Stephen Chard (Principal Policy Officer), Gareth Dowding (Principal Engineer), Bob Dray (Development Control Team Leader), Kim Maher (Solicitor) and Emma Nutchey (Principal Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Geoff Mayes

#### **PART I**

#### **14. Minutes**

The Minutes of the meeting held on 24 June 2020 were approved as a true and correct record and signed by the Chairman.

#### **15. Declarations of Interest**

Councillors Jeremy Cottam, Alan Law, Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro, Graham Pask and Jo Stewart declared an interest in Agenda Item 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.

#### **16. Schedule of Planning Applications**

##### **(1) Application No. & Parish: 19/01172/OUTMAJ - Land North of The Green, Theale**

*(Councillors Jeremy Cottam, Alan Law, Tony Linden, Royce Longton, Ross Mackinnon, Graham Pask and Jo Stewart declared a personal interest in Agenda Item 4(1) by virtue of the fact that they knew Richard Benyon who was the former Member of Parliament for Newbury and was closely associated with the Englefield Estate Trust (the applicant). 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 Alan Macro declared a personal interest in Agenda Item 4(1) by virtue of the fact that he lived close to the site for this planning application. 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.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/01172/OUTMAJ in respect of an outline application for a residential development of up to 104 dwellings. Matters to be considered: Access.

Mrs Emma Nutchey, Principal Planning Officer, introduced the report and highlighted the following points:

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- The matter to be considered was access, but Members should also consider the principle of the development of up to 104 dwellings.
- An illustrative masterplan had been produced alongside parameter plans to establish the developable area, range of building heights and densities etc.
- The update report confirmed the recommendation for approval and reported the addition of an air quality condition and an amendment to the wording of conditions 4 (approved plans) and 22 (road and layout and design standards).

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

In accordance with the Extraordinary Council resolution, a written submission had been received from Mr Jonathan Sebbage of Savills, applicant/agent.

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

### **Applicant/Agent Representation**

The written submission of Mr Sebbage was read out as follows:

- This outline planning application had been developed and progressed in response to Policy HSA14 of the Housing Site Allocations DPD, which allocated the site for approximately 100 homes. This had involved consideration of site constraints and opportunities, consultation with the Parish Council and local community, pre and post-application discussions with your officers and consultation with statutory consultees and stakeholders through the planning application process. In developing the proposals, the Englefield Estate had developed a high quality scheme with a positive long-term legacy, for the benefit of the community of Theale and the residents of the development.
- Your officers' report provided a well-balanced assessment of the application and addressed all of the issues raised by neighbours and consultees. There remained some concerns locally however which were addressed further below.

### **Housing quantum and mix**

- Through detailed discussion with your officers, the amount of housing proposed had been reduced from 110 units to ensure that a high-quality scheme, sensitive to its edge of settlement location adjacent to the AONB, would be delivered. The application now proposed up to 104 homes, all of which would be within the settlement boundary, aligning with the allocation for 'approximately 100 homes'. 83% of market housing would be provided as 3 and 4-bed units, ensuring an emphasis on market family housing, in accordance with Policy HSA14.
- In accordance with the Council's requirements, 40% of the new homes would be affordable housing to support local need.

### **Impact on local infrastructure**

- Theale was a sustainable location for new housing as a result of a wide range of services and facilities. The development would increase the number of economically active local residents, resulting in an increase in expenditure, helping to support and sustain local shops, services and facilities, and the prosperity of the village. The development would be liable to pay the Community Infrastructure Levy which would

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be used by the Council to deliver service and infrastructure improvements that were necessary to address the impact of the increased population.

### **Links to the surrounding area**

- The development included new pedestrian and cycle linkages through and from the site to encourage sustainable travel to local services and facilities. This included a link to the north to provide a direct connection for pupils and visitors to Theale Green Community School. This link responded to and had been agreed with the Council's Highways Officer.

### **Community benefits**

- There would be economic benefits arising from construction jobs and from support provided to local services and facilities by new residents. There would also be a range of environmental benefits including new usable public open space, a net gain in biodiversity and a landscape buffer including new woodland copses and recreational routes.
- The application therefore gave rise to a range of significant social, economic and environmental benefits in line with local planning policy. Please therefore accept your Officer's recommendation and resolve to grant planning permission.

### **Ward Member Representation**

Councillor Alan Macro in addressing the Committee as Ward Member made the following points:

- The site was allocated in the Housing Site Allocations Development Plan Document (HSA DPD) for residential development under Policy HSA14. Councillor Macro had been very concerned by the number of homes proposed but had been reassured that the Policy had an emphasis on providing family homes as there was a shortage in Theale of larger family homes. However, 33% of the proposed housing mix was for one and two bedroom flats and Councillor Macro did not feel they could be regarded as family homes.
- Theale had a large number of flats and a large number of smaller homes. According to census data, 25% of homes in Theale were flats and approval of this application would clearly increase that. Councillor Macro was aware of larger families who had moved from Theale as they could not find a suitably sized home to move to within Theale.
- The site allocation had originally been lower (for approximately 70 homes), but had been increased to approximately 100 homes during the Examination process without consultation.
- The traffic impact was of concern. The traffic survey undertaken did not recognise that there were long queues at peak times on both the A4 and the A340. He therefore felt that the accuracy of the traffic modelling was questionable.
- Councillor Macro was disappointed that emergency access and pedestrian access to the unnamed road to the north of the site emerged approximately one third of the way along the bus park on the opposite side of the road. This created a road safety issue, particularly for school pupils needing to cross the road at this point. The location of this access also meant that another part of the hedge would need to be removed. His preference would be for the access to be located opposite the exit end of the bus park to reduce this safety concern.
- The master plan stated that car parking would be provided as per the Council's parking standards. However, some of these spaces were identified as garages.

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Councillor Macro was concerned that it would be difficult to accommodate the parking spaces needed at the reserved matters stage without encroaching on the landscape buffers and/or the amenity space of the individual dwellings.

- Councillor Macro asked the Committee to refuse the application on the basis that it did not comply with Policy HSA14 as a sufficient number of family homes were not being provided as required by the Policy.

### **Member Questions of the Ward Member**

The Committee had no questions to ask of the Ward Member.

### **Questions to Officers**

Councillor Graham Pask referred to the consultation response from Thames Water. This stated no objection subject to a condition to secure an upgrade to the water network or phasing plan for occupation to ensure that new properties had sufficient water pressure. This was captured within condition 14. He queried whether it was for Thames Water to provide the necessary infrastructure.

In response, Mrs Nutchey explained that Thames Water were concerned that there was not sufficient capacity within existing infrastructure to accommodate the development without it impacting on water pressure. They were therefore seeking a strategy and for the necessary works to be put in place to mitigate against this concern. The National Planning Practice Guidance stated the need to ensure that mains water and waste water infrastructure was in place for new developments. The proposed condition was to alleviate potential harm arising from the development.

Councillor Pask next referred to car parking. The Local Plan stated that garages should not be counted as parking spaces and there was a low use nationally of garages for parking cars. He queried whether it would be possible for a condition at the reserved matters stage to ensure parking standards were met in full.

Mrs Nutchey confirmed that car parking was a reserved matter and only illustrative drawings were provided at this stage. The applicant had sought to show that the necessary number of spaces could be provided. The detail would be at the reserved matter stage. Amended condition 22 stated the need for car parking requirements to be met in line with the standard (Policy P1).

Gareth Dowding, Principal Engineer, added that car parking had been discussed fully with Planning Officers. As stated, it would be looked at in detail at the reserved matters stage to ensure that the parking standards were met.

Councillor Ross Mackinnon noted that Theale Parish Council objected as the site was outside of the settlement boundary. He queried if this was the case as the report stated otherwise.

Mrs Nutchey confirmed that the site was within the settlement boundary. It was included at the point at which the settlement boundary was reviewed. Bob Dray, Development Control Team Leader, added that the settlement boundary incorporated the developable area of the site, but not the landscape buffer to the west.

Councillor Jeremy Cottam queried if the application met the policy requirement for family homes. Mrs Nutchey explained that HSA14 did state the need for an emphasis to be placed on family homes, but it did not state the quantity. However, she did point out that 67% of the proposed dwellings would be houses. The houses would come in a range of sizes in order to meet the broad spectrum of need in the local area. There would be smaller units, but Housing Officers were eager to see smaller units, particularly for the affordable units as this was an area of demand.

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Councillor Cottam followed this by querying how the 40% affordable housing units would be provided and distributed. Mrs Nutchey explained that this had not been identified at this stage. However, the delivery of 40% affordable housing would be secured via a legal agreement. The dwelling mix and tenure mix of the affordable homes would be considered at reserved matters, and would be determined by the housing need at that point in time.

Councillor Macro welcomed the inclusion of the water infrastructure condition. However, he queried whether Thames Water had commented on waste water disposal as the nearby pumping station had been overwhelmed several times in recent years. Mrs Nutchey advised that Thames Water had not commented on this matter.

Councillor Alan Law queried whether a condition or informative could be added to cover the issue of waste water disposal. Mrs Nutchey advised that Officers would need to liaise with Thames Water on a condition, but it could be included as an informative at this stage. Mr Dray added that the key point was to ensure water infrastructure was in place to align with the phasing of the development. Thames Water had a statutory duty to connect the development to its water supply and this would happen naturally between the developer and Thames Water at a suitable time. This was separate to the planning system.

Councillor Law stated that it was important to ensure that water infrastructure was in place for developments. He queried if the cost of doing so would be met by developments or the Community Infrastructure Levy. Mrs Nutchey advised that the developer needed to ensure that an adequate system was in place.

Councillor Royce Longton referred to Condition 21 – Electric Vehicle Charging Points. He was supportive of this condition which would ensure that a charging point was installed for every house with communal points provided for apartments. However, he queried if this condition was secured as informative 7 stated that the developer should be urged to consider the provision of electric vehicle charging facilities.

Mrs Nutchey confirmed that the condition carried the necessary weight to ensure that electric vehicle charging points would be delivered. The informative was requested by Environmental Health to encourage uptake, but the condition was necessary in any event to comply with policy.

Councillor Jo Stewart referred to some of the concerns raised by Councillor Macro as Ward Member. She sought clarification on the increase in the number of homes from 70 to up to 104 dwellings. Councillor Law clarified that the figure of approximately 100 homes had been resolved at a meeting of Full Council in allocating the site.

Councillor Stewart next referenced the point in relation to access, in particular pedestrian access for school children. If outline permission was granted by the Committee then would it be possible to relocate the access to ensure pedestrian safety.

In response, Mr Dowding explained that access was for the detailed design stage. Highways Officers would assess if the access was compliant with highway safety requirements. If that assessment identified safety concerns then a request would be made for the access to be relocated to a more appropriate location.

Councillor Law also referred to a point made by the Ward Member in relation to traffic queues. He queried whether queuing traffic had been identified in the traffic modelling.

Mr Dowding advised that the highways assessment of the modelling found that some traffic queues that occurred had not been fully identified in the traffic survey undertaken by the applicant. However, it was still considered to be a reasonably robust and acceptable traffic assessment.

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The queues in question were predominantly caused by issues on the M4 and these went beyond the remit of the Council and the developer. The local authority was looking at ways to resolve this separately from any planning applications. Mr Dowding confirmed that Highway Officers would work closely with the developer to put in place an appropriate scheme subject to approval.

### Debate

Councillor Pask opened the debate by pointing out that the principle of development had been established in the HSA DPD (the Local Plan) for a site that was within the settlement boundary.

Councillor Pask felt that the vehicular access point was reasonably well placed and he was content with the proposals at this stage. He noted the concerns raised in relation to pedestrian safety and it would therefore be necessary for the negotiation process, prior to the reserved matters application, to give careful consideration to pedestrian access and safety.

Councillor Macro accepted that the principle of development had been approved. However, he remained concerned over the numbers. The HSA DPD allocation was for approximately 100 homes and this application was for up to 104 dwellings. This was not overly significant in isolation but it was a concern when considering that originally, 70 homes were identified for the site so it was a further stretch. However, Councillor Macro's greatest concern was the housing mix which he felt was inadequate in terms of the provision of family homes.

Councillor Cottam felt that safety was the greatest point of concern. He felt that the Committee should insist upon the pedestrian access point being moved at this stage. He felt that the applicant had not been thorough on highways matters, i.e. their traffic survey.

Councillor Pask proposed acceptance of Officers' recommendation to grant conditional planning permission subject to the completion of a Section 106 legal agreement. This would include the additional and amended conditions in the update report. As part of this proposal he asked for an informative to be added to request that the pedestrian access to the north be relocated to a safer location to be agreed with the Highways Officer.

The proposal was seconded by Councillor Tony Linden.

Mrs Nutchey explained that the legal agreement would secure the provision of a pedestrian route. She added that a route had been proposed by the applicant which had been assessed by Highways Officers and found to be safe. It was therefore listed as part of the approved plans in Condition 4. However, if Members still had concerns on this matter then the reference could be removed from Condition 4 and the pedestrian access could then be determined in detail as part of negotiations on the S106 legal agreement.

Councillor Pask as proposer and Councillor Linden as seconder confirmed they were content with this approach in relation to pedestrian access and safety.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission subject to the conditions listed below and provided that a Section 106 Agreement has been completed by 15<sup>th</sup> September 2020 (or such longer period that might be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Eastern Area Planning Committee).

### Conditions

#### 1. Approval of reserved matters

Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in

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writing by the local planning authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. Time limit for reserved matters**

Application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **3. Commencement of development (outline)**

The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **4. Approved Plans (amended)**

The development hereby permitted shall be carried out in accordance with the following approved drawing numbers:

- Site Location Plan drawing number 6027T/PL01;
- Proposed Site Access Arrangements, including visibility splays 60555677.001;
- Proposed Site Access Arrangements 60555677.002 Rev. A;
- Northern Access Visibility Splays 60555677.005;
- Indicative Building Density 6027T/PL12D;
- Parameter Building Heights 6027T/PL07C;
- Phase 1 habitat Survey report dated July 2016 by Ecoconsult Wildlife Consultancy;
- Extended Phase 1 Habitat Survey by Lockhart Garratt ref 17-3366 V1;
- Arboricultural Impact Assessment by Lockhart Garratt ref 18-2958 V1;
- Noise Impact Assessment dated March 2019 by Aecom;
- Air Quality Assessment dated March 2019 by Aecom.

The reserved matters submitted pursuant to condition 1 shall generally accord with the following plans:

- Masterplan 6027T/PL02C;
- Illustrative Landscape Masterplan drawing 3959/03/18-0155 v6;
- Character Areas 6027T/PL06C;
- Indicative Green Infrastructure and Boundary Treatments

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6027T/PL05D;

- Landuse Access and Movement 6027T/PL03B.

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

### 5. **Tree protection – construction precautions**

No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Thereafter all works must be carried out in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place in order to ensure the protection of trees from the outset.

### 6. **Tree protection**

No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development and the protection of the AONB by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.



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### 7. **Arboricultural supervision**

No development shall commence (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development and the protection of the AONB by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### 8. **Landscaping**

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

- (a) Details of soil preparation, plant protection, watering and weeding.
- (b) Completion of the approved landscape scheme within the first planting season following completion of the final property.
- (c) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because details of the landscaping need to be designed into the overall layout of the scheme.

### 9. **Drainage**

No development shall commence 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. The approved scheme shall thereafter be implemented in full before any of the dwellings hereby approved are occupied. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory

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Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;

- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include attenuation measures to retain rainfall run-off within the site with discharge from the site at no greater than the 1 in 1 year Greenfield run-off rate;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) 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;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) 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;
- i) Include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding (Flood Zone 2 and 3 or surface water) or developments larger than 1 hectare;
- j) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible.
- k) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- l) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- m) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- n) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

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

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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), Part 4 of Supplementary Planning Document Quality Design (June 2006) and Sustainable Drainage Systems Supplementary Planning Document (Dec 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.

### 10. **Landscape and ecological management plan (LEMPs)**

No development shall commence until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed to include all landscaped areas outside of domestic properties, both existing and proposed, and the areas of woodland for the next 25 years.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management to include provision for the implementation of the measures and actions recommended in section 5 of the Ecology report by Ecoconsult Wildlife Consultancy and section 9 of the Extended Phase 1 Habitat Survey by Lockhart Garratt with regards to carrying out site works and the opportunities for biodiversity enhancements.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To conserve, enhance and provide a net gain in biodiversity and to ensure the long term management of existing and proposed landscaping. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14, CS17, CS18 and CS19 of

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the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application and damage to wildlife and plants may occur if the details are not implemented at the point of commencement.

### **11. Lighting Strategy**

No dwelling shall be occupied until a biodiversity-related lighting strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall identify those areas that are particularly sensitive for bats and wildlife and any measures necessary to minimise and mitigate the impact of lighting on them. All external lighting shall be installed in accordance with the approved details and shall thereafter be maintained in accordance with those details. No other external lighting shall be installed without the prior written approval of the Local Planning Authority granted by way of a planning application.

Reason: To ensure the protection of wildlife and minimise the impact of light pollution on the surrounding countryside. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **12. Bat and bird boxes**

No dwelling shall be occupied until details showing the location and types of at least 10 bat and 10 bird boxes to be incorporated into the dwellings or provided within the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the dwellings shall not be occupied until the bat and bird boxes have been installed/constructed in accordance with the approved details.

Reason: To ensure the protection of bats and birds. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS17 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **13. Time limit on submission of a reserved matters application before further ecological surveys are required**

If the submission of a reserved matters application pursuant to conditions 1-3 of this permission is made more than 2 years after the date of this permission, updated ecological surveys to establish if there have been any changes in the presence of protected species and identify any likely new ecological impacts that might arise shall support the reserved matters application and mitigation measures designed accordingly. Additionally any previously approved ecological measures secured through the Landscape and Ecological Management Plan (Condition 10) shall be reviewed and, where necessary, amended and updated in accordance with the updated ecological surveys. All works shall then be carried out in accordance with the new approved

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ecological measures and timetable.

Reason: To ensure the protection of wildlife. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS17 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **14. Thames Water**

No dwelling shall be occupied until written confirmation has been provided that either all water network upgrades required to accommodate the additional flows to serve the development have been completed or a housing and infrastructure phasing plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with Thames Water. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

### **15. Refuse storage**

No development shall commence until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006). A pre-condition is required as insufficient information has been submitted with the application and collection and storage points may impact on the internal road layout. For this reason it must be considered at design stage.

### **16. Minerals extraction**

No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the methods agreed throughout the construction period:

- (a) A method for ensuring that minerals that can be viably recovered during the development are recovered and put to beneficial use;
- (b) A method to record the quantity of recovered mineral (for re-use on site or off-site) and the reporting of this quantity to the Local Planning Authority.

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Reason: In accordance with the National Planning Policy Framework and saved policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire which seek to utilise existing mineral deposits. A pre-commencement condition is required as the removal of such deposits, where possible, will be one of the first operations on site.

### **17. Unexpected contamination**

If any previously unidentified contaminated land is found during demolition and/or construction activities, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice. The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, no dwelling shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **18. Noise impacts**

No development shall commence until a scheme for protecting the proposed dwellings from noise from traffic on the adjacent roads has been submitted to and approved in writing by the local planning authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is occupied.

Reason: As occupiers of the development, without such a scheme, are likely to suffer from noise caused by the traffic to an unacceptable degree. This condition is required in accordance with the guidance within the National Planning Policy Framework and Policy CS14 of the Core Strategy (2006-2026). A pre-commencement condition is required as the mitigation measures may need to be built into the fabric of the dwellings.

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### **19. Pest control**

No development shall commence until a scheme detailing rat, vermin and other pest control measures have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (a) Details of the methods used to reduce existing rat populations and discourage dispersal of rats from the site during the groundworks and construction phase
- (b) A methodology for assessing the ongoing effectiveness of different rat and vermin and pest deterrent methods;
- (c) An objective methodology for assessing when rodenticides / insecticide shall be applied;
- (d) Details of control measures and ongoing assessment of effectiveness in relation to mammalian pests;
- (e) Provision for submission of records relating to the implementation of the foregoing measures to the Local Planning Authority.

The approved scheme shall thereafter be implemented for the duration of the construction activities associated with the delivery of the development

Reason: To minimise the impact of pest migration to surrounding areas during site clearance and groundworks and to protect the amenity of neighbouring occupiers in accordance with the guidance within the National Planning Policy Framework. A pre-commencement condition is required as the approved measures need to be implemented once works commence in order to be effective.

### **20. Construction Method Statement**

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

- (a) Temporary site access arrangements during construction;
- (b) The parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- (f) Wheel washing facilities;
- (g) Measures to control the emission of dust and dirt during construction;
- (h) Measures to control noise generated during the construction process;
- (i) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (j) Haul routes for large vehicles and delivery times to avoid school opening and closure times.

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Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required as insufficient details have been submitted with the application and these measures need to be implemented on commencement to ensure there is no adverse impacts from the development during the construction phase.

### **21. Electric Vehicle Charging Points:**

No development above ground level shall commence until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated electric vehicle charging point has been provided in accordance with the approved drawings. An Electric Vehicle Charging Point shall be provided for every house with communal points provided for apartments. The charging points shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD, Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Climate Change Emergency.

### **22. Road and Layout and Design Standards (amended)**

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision (in accordance with Policy P1). The developer shall enter into a S278 / S38 Agreement for the adoption of the site for all access roads serving more than five houses. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety, the flow of traffic, residential amenity, and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **23. Vehicle parking provided to standards**

No development shall commence until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. No dwelling shall be occupied until the associated vehicle parking and turning spaces/areas have been provided in accordance with the approved



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details. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy, Policy P1 of the Housing Site Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required to ensure the parking is designed into the scheme and to ensure sufficient provision is made.

### **24. Access construction before development**

No dwelling shall be first occupied (unless otherwise agreed in writing by the Local Planning Authority) until the vehicular, pedestrian and cycle accesses to the development, and associated engineering operations, have been completed in accordance with the approved details, and under the terms of a Section 38 / 278 Agreement. Thereafter the visibility splays shown on the Proposed Site Access Arrangements including visibility splays by AECOM 60555677.001 shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

Reason: To ensure that the access into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

### **25. Gradient of private drive**

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.

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 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **26. Cycle storage**

No development above ground level shall commence until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West

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Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **27. Schedule of materials for access road**

The development of the access roads shall not commence until a schedule of materials to be used in the access roads and car parking areas has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application the use shall not commence until the access and car park has been constructed in accordance with the approved schedule.

Reason: To ensure that the appearance of the access is appropriate to the character of the area. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because access needs to be undertaken as the first development operation.

### **28. Travel Plan**

No development above ground level shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in full from the development first being brought into use. Its provision shall ensure that it is reviewed (and updated if necessary) within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and Climate Change Emergency. A pre-commencement condition is required as insufficient details have been submitted with the application and measures will need to be put into place prior to first occupation.

### **29. Air Quality (additional)**

No development shall commence until a scheme for protecting the proposed dwellings from air pollution from traffic on the adjacent roads has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme approved by the authority shall be completed before any permitted dwelling is occupied and thereafter retained in accordance with the approved details.

Reason: As occupiers of the development, without such a scheme, are likely to suffer from poor air quality caused by the traffic to an unacceptable degree. The condition seeks to protect future occupiers

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in accordance with the guidance within the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is necessary as such measures need to be designed into the fabric of the dwellings.

### Heads of Terms for Section 106 Agreement

#### 1. **Affordable housing**

To provide 40% provision for affordable housing with a 30/70 intermediate/social rent split. The agreement is to be worded flexibly to allow for the size and mix of the units to be secured at reserved matters stage dependant on local need.

#### 2. **Public open space**

To secure the creation, retention and governance of a landscape buffer and public open space in accordance with drawing titled Indicative Green Infrastructure and Boundary Treatments 6027T/PL05D.

#### 3. **Provision of a pedestrian link**

To secure the provision of a pedestrian route across the unnamed road to the north in accordance with drawing titled Potential Pedestrian Crossing on Unnamed Road, drawing number 60555677.001.

### **Informatives**

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)
3. Thames Water: There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

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4. Thames Water: If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://thameswater.co.uk/buildingwater).
5. Thames Water: Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
6. Construction Noise: The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.
7. Provision of Vehicle Charging Points (Air Quality/Public Health)  
As an opportunity to improve air quality we would urge the developer to consider the provision of electric vehicle charging facilities for use by the occupiers and their visitors.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**OR, if a Section 106 Agreement is not completed, to REFUSE PLANNING PERMISSION for the reasons listed below.**

### **Refusal Reasons (If Section 106 Agreement not completed)**

#### **1. Planning obligation**

The application fails to provide an acceptable planning obligations under section 106 of the Act to deliver necessary infrastructure and mitigation measures, including:

- (a) 40% on-site provision of affordable housing, without which the proposal would be contrary to the National Planning Policy Framework (NPPF), Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD (2014);
- (b) Public open space and landscape buffer (provision and governance), without which the proposal would be contrary to the NPPF, Policies ADPP1, ADPP4, ADPP5, CS14, CS18 and CS19, Policies C1 and HSA14 of the Housing Site Allocations (HSA) DPD 2006-2026, RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Planning Obligations SPD (2014).

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- (c) A pedestrian link from the site across the un-named road to the north, without which the proposal would be contrary to the NPPF, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA14 of the HSA DPD, and the Planning Obligations SPD (2014).

### **(2) Application No. & Parish: 20/00737/COMIND - Land at Shalford Farm Brimpton**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/00737/COMIND in respect of a full planning application for the conversion and redevelopment of existing land and buildings to create a mixed-use development comprising restaurant, estate farm shop, overnight accommodation, bakery, fermentary, cookery school and event space (local food production and ancillary education facility) and a biomass boiler together with associated works including the demolition of the existing garages and workshop building.

Mr Michael Butler, Principal Planning Officer, introduced the report and highlighted the following points:

- The Development Control Manager had requested that this application be determined by Committee as the Eastern Area Planning Committee had refused the previous application for the site. The applicant had taken the decision to appeal but had advised that the appeal would be withdrawn if planning permission was granted for this revised scheme.
- The Planning Officer recommendation was to refuse planning permission for the reasons outlined in the report. In summary, the scale and mix of commercial uses was considered more appropriate for town centre use and would create traffic concerns. Secondly, a sequential test had not been undertaken.
- The Highways Officer objected and also recommended refusal as detailed in both the committee report and update report. This was on the basis that the high level of mixed commercial use on the site would generate an unacceptable level of private car traffic on rural roads which went contrary to extant policy in what was considered to be an unsustainable location. The Highways Officer also considered that regard should be had to the declared Climate Change Emergency.
- Overdevelopment was added as a reason for refusal by Members for the previous application. Officers had not included it as a reason for refusing this application as the scheme had reduced in size.

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

In accordance with the Extraordinary Council resolution, written submissions had been received from Mr Paul Woodley, Chairman of Wasing Parish Meeting (adjoining parish), Mr John Beach, Ms Stephanie Ansell, Mr William Fugard, Ms Bryony Fugard and Ms Harriet Lees, supporters, and Mr Andrew Perkins, Wasing Estate - applicant/agent.

The written submissions were read out by the Clerk to the Committee as follows:

#### **Adjoining Parish Council Representation**

The written submission of Mr Woodley was read out as follows:

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- The main central hub of the Wasing Estate was located within our Parish and we were only too acutely aware that the financial challenge facing rural estates such as this, was becoming more and more difficult by the day. The proposed development at Shalford Farm would turn a run-down eyesore into a lovely, local rural enterprise which would no doubt help support the Wasing Estate into the future, securing diversified income, protecting the farming operation and in turn protecting jobs. We all know only too well at the moment that job retention and creation was right at the top of the government's agenda.
- The idea of having a farm shop and restaurant that was using fresh organic produce direct from Wasing Farm should be recognised, appreciated and applauded, as more and more people see the benefits of reducing, or in this case, eliminating food miles, helping the environment and healthy eating. There would be many people who would relish the chance to go and buy some fresh vegetables that they had seen growing in the local fields.
- With the current economic outlook, a positive development such as this, that will provide jobs and economic stimulus to the rural economy, should be welcomed whole heartedly and fully supported.
- Our Parish Meeting was in full support of the proposal, recognised the significant efforts the Wasing Estate had gone to in order to reduce the size and scale of the site from the previous application and would ask that the committee view it in a positive light and realise all the benefits such a scheme would bring to the local community and economy.

### **Supporter Representations**

A summary of the written submission of the supporters was read out as follows:

- Three written submissions have been received in support of the application. The supporters included local residents and small business owners. The full submissions had been provided to Members; the following was a summary of the points raised.
- The facility would be welcomed and well supported by the local community.
- The community wanted locally sourced produce, such as that produced by Wasing Estate. It would encourage healthy eating and support local producers. This also facilitated improvements for local wildlife.
- It provided an alternative to corporate brands that invaded the high streets and villages.
- Both the farm shop and restaurant would be a much welcomed addition to the local area. A rural restaurant and farm shop would be a positive contribution to the rural community.
- The development would provide employment opportunities. The application would help sustain the rural economy and community in changing times such as these.
- With levels of working from home increasing, it was essential that rural communities were able to flex and adjust. The countryside could not just be reserved for long term residents to walk their dogs, it had to grow and become a part of a dynamic and changing future.
- The development would provide a much needed meeting place for local people. Rural hubs such as this should be supported. There was not a huge amount going on in the village of Brimpton. The proposals would be a lovely addition to the area, and would give the community a local option for such facilities.
- The proposal would be a vital and sustainable proposal for the residents of Brimpton, Wasing and Aldermaston.
- The proposals would renovate the run-down farm buildings, which were currently an eye-sore and would benefit from refurbishment.

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- All three supporters believed the proposals should therefore be approved.

### Applicant/Agent Representation

The written submission of Mr Perkins was read out as follows:

- The Shalford Farm development was a key part of securing Wasing Estate's future. It would support the organic farming through providing an outlet for locals to buy fresh organic produce grown on their doorstep with zero food miles and to supply the restaurant delivering fresh organic meals for locals to enjoy with family. The accommodation and restaurant also supported the main wedding and events venue, which was facing increased competition and needed to continue as one of the leading venues in the country, something to be proud of.
- Following the previous rejection, we have listened to you, we have worked with the local Parish Council, whom were now in support and we have critically reviewed the project. As such, the revised proposal before you, achieved the following:
  1. Complete removal of the Wedding Retail and Showcase element, dramatically reducing the retail floor space by 73%.
  2. Reduced the overall scale of the Dutch barn and reduced its height by 1.5m to only 8m.
  3. Completely removed a whole building (the narrow barn) from the development.
  4. Reduces the overall floor area by almost 20% to just 1,337sqm  
*The reduction from the previous application could be seen clearly in the blue outline on the elevations.*
- The Planning Officer was recommending refusal for the same two reasons:
  1. Unsustainable location
  2. No Sequential Test
- The Case Officer had confirmed that he would support a scheme of less than 1000sqm. The Planning Officer's reliance on 1000sqm as the threshold of acceptability was based on the notion that this represented the applicable definition of what was "major development" and that major development was unacceptable in this location and would require a Sequential Test. To adopt this black and white approach was wrong. By doing so one would ignore:
  1. The clear advice of the NPPF which stated "the use of the sequential test should recognise that certain main town centre uses had particular market and locational requirements which meant that they might only be accommodated in specific locations"
  2. the synergies with the Estate (the scheme could not be relocated to a main town centre)
  3. the operation of an innovative Travel Plan (which included an electric shuttle bus)
  4. the Applicant's willingness to accept a condition tying the site to the rest of the Estate.
- You would fully appreciate that accommodation provision has to be supplied at the location it was serving, in this case the wedding venue. An Estate Farm shop and restaurant utilising fresh organic produce direct from the estate fields whilst supporting an existing hospitality venue must also be located on the estate.
- When this Committee considered the previous proposal there was unanimous support for the principle of redeveloping this site, yet there was a feeling that it was

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just a bit too big. We have listened to you and you would see the new scheme had been very significantly reduced in scale and the intensity of the uses. The Highways Officer was content that the local road network could accommodate the amount of traffic that would be generated.

- An appeal had been lodged against the refusal of the original scheme – that appeal would be withdrawn if planning permission was granted for the revised and reduced scheme this evening.

### **Ward Member Representation**

Councillor Dominic Boeck in addressing the Committee as Ward Member made the following points:

- He lived in Brimpton Parish. Shalford Farm was located on the boundary between Brimpton and Wasing, and was only a short distance away from Aldermaston. It was therefore located in the heart of his Ward.
- There had been strong interest among residents in the plans for the Farm. While there had been concerns raised in relation to the first application, neither Brimpton Parish or Aldermaston Parish had objected to this application. The new plan was well received by residents.
- Councillor Boeck was supportive for a number of reasons:
  - If the application was approved, it would result in the restoration of many dilapidated farm buildings which held some historical value. Approval would bring the buildings and land back into use.
  - Wasing Estates had exciting plans for the Farm. Post restoration, there would be the creation of new jobs. While AWE was only a few miles distant and a large employer, employment opportunities from the rural economy were more modest. The ability to create rural based jobs was a huge asset.
  - West Berkshire Council was doing all it could to protect and enhance the economy during particularly challenging times from Covid-19. Opportunities should therefore be seized to create employment and this application would support that both directly and in the supply chain that would feed the enterprise.
  - Approval would offer greater choice to local residents and the ability to purchase local produce.

### **Member Questions of the Ward Member**

Councillor Keith Woodhams referred to the point made in the applicant's submission that 'The Highways Officer is content that the local road network can accommodate the amount of traffic that would be generated'. He asked Councillor Boeck to comment on that as that viewpoint differed from the concerns raised by the Highways Officer.

Councillor Boeck commented that traffic flow was rarely interrupted in the local area and queuing traffic was not an issue. The only issue he could recall was during recent flooding in the area.

It was agreed that this question would also be asked of officers.

Reference had been made to the provision of a shuttle bus and Councillor Jo Stewart queried where this would operate from. Councillor Boeck advised that it would transport passengers from Midgham Train Station to Shalford Farm, a distance of approximately 2.5 miles.

In the absence of any site visit, Councillor Law explained that the roads approaching Shalford Farm were very minor and narrow in places.



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### **Questions to Officers**

Councillor Woodhams repeated his question to the Ward Member on traffic impact. Mr Dowding gave the view that roads in the area could in theory cope with the increased traffic, but the issue was that traffic levels were expected to increase by four times existing levels (approximately 480 movements per day into the site). It was also the case that motor vehicles would have to be used to access the site on unlit, rural roads that had no footways or cycle ways. The only alternative to the motor vehicle was the shuttle bus.

Mr Dowding continued by explaining that the traffic data provided by the applicant was only concerned with the impact during peak hours, but it was the expectation that the site would be more commonly accessed at off-peak times. The impact on the daily traffic flow was unclear. The consideration for Members was whether the addition to the daily traffic flow was acceptable on country lanes to an unsustainable site.

Councillor Alan Macro referred to paragraph 6.18 of the report which highlighted difficulties with achieving a BREEAM excellent rating. He questioned why this was not a reason for refusal.

Mr Butler explained that the achievement of BREEAM excellence was restrained by the site's unsustainable location and it would not be possible to get anything beyond a 'Good' rating. The applicant was looking to gain a 'Pass' rating. Therefore, if planning permission was granted it would be contrary to policy on technical grounds. However, Officers did not feel it was a sustainable reason for refusal. Mr Dray added that Members could consider this as a justifiable reason for refusal.

In considering the plans, Councillor Macro noted that a large proportion of the garden of Cottage 33 would be lost as it was proposed to be used as a car park. He was concerned at this, as well as the close location of cars to the dwelling and he queried the impact on the amenity.

Mr Butler acknowledged that the garden space of Cottage 33 would be reduced, but not to such a degree as to warrant refusal of the application. The cottage fell outside of the red line boundary, but it was still in the ownership of the Estate. In terms of noise nuisance from the car park, Mr Butler advised that no objections had been raised on this by Environmental Health Officers.

Councillor Macro also queried if the boiler house was to be located in a green field rather than the farmyard. He would be concerned if this was the case.

Mr Butler confirmed that the boiler house was proposed for a green field, which fell outside of the curtilage of the farm site. Policy CS5 stated that infrastructure for new developments was acceptable in principle. The boiler house was a small building that would be well screened and the biomass boiler would help to sustain the development. Officers considered this to be an on-balance point, but did not feel it was a reason to refuse the application.

Councillor Ross Mackinnon queried whether the site was only considered to be unsustainable because access could only be achieved by car. Mr Butler confirmed that it was considered unsustainable for this reason as there was no public transport to the site, Midgham Train Station was approximately 2.5 miles away. In addition, there were no cycle ways or pedestrian access.

Councillor Mackinnon then referred to the application's submission which questioned the need for a sequential test for this site. He asked Officers' for their views on that.

Mr Butler advised that this was a difficult question to answer. A sequential test was not required for a small scale development, but this was not defined. However, the Development Management Procedure Order and the National Planning Policy

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Framework (NPPF) did state that a major application was over 1,000 square metres. This application was in excess of 1,000 square metres (1,337 square metres). If it had been smaller in scale then a sequential test might not have applied.

Councillor Mackinnon followed this by referring to the applicant's view that the need for a sequential test ignored the synergies with the Estate, the scheme could not be relocated to a town centre. Mr Butler agreed there would be synergies with the Estate if the application was approved. The applicant had volunteered a personal permission, but that was only permitted in exceptional circumstances and such circumstances had not been made clear.

Mr Dowding agreed with the comments made that the site was not in a sustainable location, with motor vehicles the only realistic access to the site.

Mr Dray added that accessibility was the issue. A fundamental aim of the planning system was to move to a more sustainable pattern of development that had a reduced reliance on motor vehicles. The concern was that this application did not support that wider objective. It had been acknowledged that local roads could cope but there was no viable alternative to motor vehicles, with no cycle paths etc.

Mr Dray then commented on sequential test requirements. The NPPF did state that the sequential approach should not be applied to applications for small scale rural offices or other rural small scale rural development. Although the NPPF did not define 'small scale' Officers considered that the size of this application in a remote location meant that it was not small scale in context. The fact that it was a major application formed part of that consideration, but this was also part of a wider planning judgment. This was therefore a consideration for Members.

Councillor Law commented, in response to a question from Councillor Tony Linden, that as Chairman, he would be notified if approval or refusal of an application would result in an application being referenced to the District Planning Committee. He had received no such notification for this application.

Councillor Linden made reference to the relatively recently erected Rosebourne Garden Centre in Aldermaston. He questioned whether that had been considered a sustainable development/site to help in determining this planning application.

In response, Mr Butler stated the need to consider the merits of the application before Members. Mr Dowding added that footway links were in existence to Rosebourne and there was a recognised cycle link to it from Aldermaston Train Station. Rosebourne was also situated within a village and residents lived in close proximity to the garden centre. It was a much more sustainable location than Shalford Farm.

Councillor Law referred to the small access to the site to the north of the main access which was to be used by emergency vehicles. He queried if this access could be used by delivery vehicles to the site and queried the visibility splays at this access point.

Mr Dowding was not able to comment on this access. The consideration by Highways had been on the main access point. However, Mr Butler explained that this was something he had raised with the applicant. The small access would be for service and emergency vehicles only. If the application was approved, Mr Butler recommended that a condition of approval should be included to restrict this smaller access point and not allow it to become a general access. This was particularly important as the visibility splay to the north was not good.

## **EASTERN AREA PLANNING COMMITTEE - 15 JULY 2020 - MINUTES**

### **Debate**

Councillor Macro referred to the mention made by supporters to the poor condition of the site and that this application would be a great improvement. However, Councillor Macro raised a concern that the applicant be rewarded for allowing the site to deteriorate.

Councillor Macro then commented that he used the roads in question regularly, in particular when journeying to and from site visits. As already pointed out, these were narrow country lanes, with narrow bridges and visibility issues in some cases. He would be concerned at an increase in traffic on these roads, especially when this increase would include larger/delivery vehicles and not solely cars. He had experienced congestion on some occasions on these roads. Councillor Macro agreed with the concerns raised by the Highways Officer.

Councillor Mackinnon noted and understood the reasons proposed for refusal of the application. However, he queried to what extent planning policy took note of the rural nature of the district and, in particular, this part of the district. For example, it would be very difficult to introduce cycle lanes in this area. Cars would therefore be needed to access the site. Councillor Mackinnon felt this was a good development that would benefit the economy and safeguard/create jobs. He would not want to limit the potential to enhance the rural economy.

Councillor Mackinnon noted points about a sequential test being needed for developments in excess of 1,000 square metres. However, this application was not greatly in excess of that. There were also wider considerations on whether or not a sequential test applied. The applicant had stated that synergies would exist between the development site and the Estate. Councillor Mackinnon felt there was adequate justification to approve the site contrary to Officers' recommendation.

Councillor Pask took the opportunity to thank the applicant for taking note of the points raised by the Committee when the previous application was considered and making changes to the scheme as a result. Overdevelopment had been a concern for Members and the applicant had reduced the floor size. He also praised the intention to bring the site back into use and supported the principle. However, accessibility to the location remained a concern. The reliance on cars had already been noted and those accessing the site would highly likely use their cars to do so on what were narrow/single track country lanes. Councillor Pask was not convinced that a shuttle bus would be well used.

While local people had knowledge of the local roads and the limited visibility in some areas, this would not be known by non-locals travelling to the site. The proposal was smaller in scale, but Councillor Pask felt it would still generate sufficient additional traffic to create a problem on the local road network.

Councillor Cottam advised that he had sympathy for local businesses, but made the point that West Berkshire Council had declared a climate emergency, this involved making difficult decisions. The Council was policy led and its policies should therefore be followed.

Councillor Law made the point that a large part of the proposal was the provision of bedrooms to support the nearby, existing wedding venue. The local roads did therefore already carry traffic related to the wedding venue and the distance to Shalford Farm would be less than traffic to other accommodation.

Councillor Cottam restated that West Berkshire Council was a policy led local authority and the Council had declared a climate emergency. The Officer advice had been that the site was in an unsustainable location. He therefore proposed acceptance of Officers' recommendation to refuse planning permission.

## EASTERN AREA PLANNING COMMITTEE - 15 JULY 2020 - MINUTES

Councillor Macro seconded the proposal and requested that the inability to achieve BREEAM excellence be included as an additional reason for refusal. This reinforced the point about the site being in an unsustainable location.

Councillor Cottam, as proposer, agreed to this additional reason for refusal.

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

1. The proposal will significantly increase traffic in a remote rural location that has no pedestrian or bus routes and is accessible only by rural roads which are not conducive to cycling. Accordingly, by virtue of the nature, intensity and location of the development it would significantly increase traffic where the mode of travel can only reasonably be the private car. The proposal is therefore unsustainable and is contrary to Policies ADPP1, ADPP6, CS9, CS10 and CS13 of the West Berkshire Core Strategy 2006-2026, the Local Transport Plan for West Berkshire 2011-2026, and the National Planning Policy Framework.
2. The application has failed to satisfy the sequential test for main town centre uses in Chapter 7 of the National Planning Policy Framework (NPPF). The proposed major development is not considered to be excluded from the sequential test by paragraph 88 of the NPPF, as it is not considered "small scale". This is primarily because it comprises an intense mix of uses in the context of the rural location. The proposed development would accordingly contribute towards undermining the viability and vitality of local district centres, which would be preferable locations for the scale and type of proposed uses, contrary to Policy CS11 of the West Berkshire Core Strategy 2006-2026.
3. The application has failed to demonstrate that the proposed development will achieve an "Excellent" rating under the BREEAM assessment, contrary to Policy CS15 of the West Berkshire Core Strategy 2006-2026. The failure to achieve BREEAM, in part due to the limitations of the location of the site, reinforces the inherently unsustainable nature of the location. The application is therefore contrary to paragraph 150(b) of the National Planning Policy Framework, in terms of the need to reduce greenhouse gas emissions in development, such as through its location and design, in the context of taking a proactive approach to mitigating and adapting to climate change.

*(The meeting commenced at 6.30pm and closed at 8.30pm)*

**CHAIRMAN**



**Date of Signature**

5 August 2020