

Notice of Meeting



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Western Area Planning Committee Wednesday 16 December 2020 at 6.30pm in the Virtual Zoom Meeting

This meeting will be held in a virtual format 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 (“the Regulations”).

Please note: As resolved at the Council meeting held on 10 September 2020, public speaking rights are replaced with the ability to make written submissions. Written submissions are limited to no more than 500 words and must be submitted to the Planning Team by no later than midday on Monday 14 December 2020. Written submissions will be read aloud at the Planning Committee. Please e-mail your submission to planningcommittee@westberks.gov.uk.

Those members of the public who have provided a written submission may attend the Planning Committee to answer any questions that Members of the Committee may ask in relation to their submission. Members of the public who have provided a written submission need to notify the Planning Team (planningcommittee@westberks.gov.uk) by no later than 4.00pm on Tuesday 15 December 2020 if they wish to attend the remote Planning Committee to answer any questions from Members of the Committee.

The Council will be live streaming its meetings.

This meeting will be streamed live here: <https://www.westberks.gov.uk/westernareaplanninglive>

You can view all streamed Council meetings here:
<https://www.westberks.gov.uk/councilmeetingslive>

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.



Agenda - Western Area Planning Committee to be held on Wednesday, 16 December 2020 (continued)

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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: planningcommittee@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, 8 December 2020



Agenda - Western Area Planning Committee to be held on Wednesday, 16 December 2020 (continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carlyne Culver, Clive Hooker (Chairman), Tony Vickers (Vice-Chairman) and Howard Woollaston
- Substitutes:** Councillors Jeff Beck, 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** 5 - 48
To approve as a correct record the minutes of the meetings of this Committee held on 4 and 11 November 2020.

Minutes for 25 November 2020 will be available for the next Western Area Planning meeting, as officers are confirming the additional conditions requested by Members during that meeting.
 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: 20/02322/FUL, Boames Farm, Boames Lane, Enborne** 49 - 68
- Proposal:** Erection of two sheds for housing cattle during winter
- Location:** Boames Farm, Boames Lane, Enborne, Newbury, RG20 0JT
- Applicant:** J C Cottrell & Son
- Recommendation:** To delegate to the Head of Development and Planning to refuse planning permission.

Background Papers

Agenda - Western Area Planning Committee to be held on Wednesday, 16 December 2020 (continued)

- (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
Service Director (Strategy and Governance)

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



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, 4 NOVEMBER 2020

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

Also Present: Sharon Armour (Solicitor), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer), Matthew Shepherd (Planning Officer), Anna Smy (Team Manager - Environmental Quality) and Simon Till (Senior Planning Officer)

PART I

29. Minutes

The Minutes of the meeting held on 14 October 2020 will be considered at the next Western Area Planning meeting on 11 November 2020.

30. Declarations of Interest

Councillor Hilary Cole declared an interest in Agenda Item (4)2 and 3, and reported that, as her interest was an disclosable pecuniary interest or a other registrable interest, she would be leaving the meeting during the course of consideration of the matter.

Councillor Carolyne Culver declared that she had been lobbied on Agenda Item (4)1.

Councillor Adrian Abbs declared that he had been lobbied on Agenda Item (4)5.

31. Schedule of Planning Applications

(1) Application No. and Parish: 20/01226/FUL, Land at Old Station Business Park, High Street, Compton

(Councillor Carolyne Culver declared a personal interest in Agenda Item 4(1) by virtue of the fact that she had been lobbied on the application and also that the application was within the Ridgeway ward she represented. As her interest was personal and not prejudicial, or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01226/FUL in respect of land at Old Station Business Park, High Street, Compton. The applicant sought retrospective permission for external works, m/e works to include ductwork, steel gantry, external plant, external enclosure (fencing), retaining walls, air handling unit and chiller, gas bottle store, solvent stores all concerning unit 10, 11, 12 (existing building). Building alterations include modifications to internal space planning, revised external door design to fire escape doors, omitting roof lights and glazed top and side panel to entrance doors (front elevation) and two windows on the east elevation at first floor and adjusted soil vent pipes (SVP) positions.
2. Mr Matthew Shepherd, Senior Planning Officer, 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

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acceptable in planning terms, and officers recommended that the Head of Planning and Development be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

3. Councillor Clive Hooker asked the Highways Officer if he had any observations relating to the application. Mr Paul Goddard, Team Leader - Highways Development Control, confirmed that he had no highway objections and that previous concerns about loss of parking spaces had been addressed in the latest plans.

Removal of Speaking Rights

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights were removed for virtual Council meetings. This right was replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
5. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
6. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Keith Simms on behalf of Compton Parish Council, Mr Keith Simms, Mr Peter Jones, Dr and Mrs Vaughan, objectors and Ms Jaymeni Patel, Agent. Those able to attend the remote meeting were, Mr Simms, Mr Jones and Ms Patel.
7. Individual written submissions were published online along with the agenda - <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5735&Ver=4>

Parish Council's Submission

8. The Clerk read out the representation. Members did not have any questions relating to the written submission.

Objectors' Submission - Summarised

9. The Clerk read out the representation. Planning officers had summarised the multiple submissions as follows:

Mr Keith Simms

- The applicant's own noise report states that the source of the existing noise nuisance cannot be exactly attributed. I would request that conditions are put on this application to a similar specification on then noise generated on the whole site.
- I welcome the limitations on time of use and any assistance in ensuring conditions are complied with.
- The application is retrospective and the units are in use. There is a noise nuisance from this site and we desperately hope it can be resolved by conditions that are enforced.

Dr & Mrs Vaughan

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- There has been some improvement as a result of switching off one of the refrigerated containers and some temporary mitigation measures. However, the noise nuisance of a low humming sound that is very intrusive has not gone away.
- The noise has been heard by Tony McEvoy during a visit on 2 October from the land immediately behind our property which he felt was coming from the AHU on units 4-6. The AHI on units 10-12 is basically the same and a significant contribution to the overall noise has now started to come from this direction.
- The noise survey did not establish how much noise this AHU could make under significant load as it wasn't fully operational at that time. I have tried hard to identify the conditions when the noise is worse but I have no information about loading variability at units 10-12. I don't believe Carbosynth know when the play is noise because it runs automatically.
- The solution is to minimise the plant that is required on the site – the time it is on and removal if the function can be off site. A timer switching off the equipment at night and at weekends would still leave a noise nuisance during the working week so mitigation should be the key objective.
- Please could the committee consider placing a condition that measures are installed and demonstrably shown to mitigate noise nuisance by a reasonable date.

Dr Peter Jones

- Whilst Carbosynth undertakes commendable work and provides employment it nevertheless has a duty of care and responsibility to respect and maintain both the environmental and social well-being of the location which can't be overlooked with new buildings and equipment. This area is designated as AONB and we should do all we can to protect that status.
 - I am specifically objecting to those aspects regarding plant and machinery that create noise that extends beyond the site boundary. Effective and robust mitigation should be a condition to successfully and measurably stop the nuisance noise so the HVAC isn't heard consistently throughout the day and timers switch it off at night, weekends and public holidays.
10. Members asked the following questions relating to the written submission:
 11. Councillor Carolyne Culver asked Mr Simms what he would consider to be acceptable conditions. Keith Simms confirmed that noise was the main issue. He noted there was a constant noise when the units were running and this was worse in summer. He likened the level of noise to that of a large lorry driving up the road through the centre of Compton. He suggested that conditions were needed to control the noise. He felt that the conditions placed on other parts of the site were robust and that similar conditions should be put on this site, since it was unclear where the noise was coming from. He noted that air handling units made more noise as they aged, and asked for maintenance conditions to be imposed.
 12. Councillor Culver asked Dr Peter Jones about the impacts that the site had on him as a local resident. Dr Jones indicated that noise was generated across the whole site, which had kept him awake at night for months. He confirmed that he had installed a fan and bought a white noise machine to drown out the noise. He stated that since the new air handling unit had started up in September, he had struggled to drown out the noise and had been unable to sleep, which was unreasonable.

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13. Councillor Culver asked Dr Jones if he had been forced to leave his house to seek respite and get a decent night's sleep. Dr Jones confirmed that he had used several Airbnb facilities and had also visited his parents in Shropshire. He suggested that his home should be in one of the quietest possible locations, since it was within an AONB in a very rural area.
14. **Agent's Submission**
15. The Clerk read out the representation. Members questioned the attendee as follows:
16. Councillor Adrian Abbs noted that Ms Patel expected the vegetation to attenuate visual and noise impacts and asked for her estimate of this attenuation, once it was fully grown.
17. Ms Patel indicated that the applicant/agent would need to work with Environmental Health Officers and the acoustic consultant to take measurements at regular intervals, once the landscaping had been given a chance to establish. She indicated that there would be less growth through the winter, but suggested that through the condition they would repeat the acoustic survey, thereby giving the landscaping time to become more established, and therefore have more accurate measurements to show its impact.
18. Councillor Abbs asked if, when Ms Patel had made her estimate and decided to plant the trees shown on the plan, she had a number in mind for the noise reduction or had just guessed.
19. Ms Patel confirmed that she had worked on the design with the Council's duty officer. She indicated that additional trees had been planted along the whole western boundary, rather than just remotely against the gable elevation to units 10-12.
20. Councillor Abbs asked if it was a single row or multiple rows of trees that had been planted. Ms Patel replied that the design was not simply plucked out of the air.
21. Councillor Culver asked whether Ms Patel had not thought that the noise aspect was important enough to be mentioned in any great detail within her submission. Ms Patel acknowledged the importance of the noise issue and indicated that she had prepared another written submission on behalf of the client, but this had not been included in the Committee's papers. She indicated that there was further detail within the applicant's submission that had clarified the further remedial works that had been carried out to mitigate the acoustic and visual impact.
22. Councillor Culver noted that members of the public had raised concerns about machine maintenance and asked if there were plans to update the equipment and monitor sound levels as the equipment aged. Ms Patel confirmed that engineers had already provided a plan for regular servicing and remedial works, which would be carried out as required across all of Carbosynth's units.
23. Councillor Jeff Cant asked how the decision had been made regarding the location of the equipment in relation to the nearby residential dwellings and whether it would have been possible to have placed the equipment in another position. Ms Patel confirmed that this would have been investigated at the early feasibility stage with the client brief in mind, and every possible option would have been explored with the client. Councillor Cant asked if this would have been considered with the client and the residents. Ms Patel stated that it would have been considered with the client.

Ward Member Representation

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24. Councillor Culver in representing the Committee as Ward Member made the following points:
- There were concerns about noise relating to this application, and the application discussed at the previous committee meeting.
 - It was unfortunate that the minutes from the last meeting were not available to allow members to refer to conditions added to the previous application.
 - The development was impacting on local people and at least one resident had been forced to leave their home in order to get a decent night's sleep.
 - She was unconvinced about potential noise mitigation from trees, since they would lose their leaves in winter.
 - Conditions were needed to reassure residents that if they had concerns about noise, then Planning Enforcement would undertake noise assessments.
 - These assessments should be carried out at different times of day and in summer as well as winter, since the chillers worked at full tilt in summer.
 - She asked why noise assessments were undertaken at an unusual time of day (between 3am and 7am). This would be challenging for Planning Enforcement to check and a more comprehensive approach was needed.
25. Councillor Hooker asked Mr Shepherd to familiarise himself with the conditions that had been imposed on the previous application to get consistency across both applications.
26. Members had no questions for Councillor Culver.

Member Questions to Officers

27. Councillor Tony Vickers indicated that different people had different sensitivities to particular sound frequencies and that it was a subjective area. He asked how unusual it was to experience a disturbance like Dr Jones's, when noise was within legally acceptable levels.
28. Ms Anna Smy, Team Manager - Environmental Quality, stated that there were currently six or seven low frequency noise complaints. She confirmed that it was not that uncommon, and when someone was tuned into the noise it was difficult to ignore it, particularly when equipment was constantly running. She indicated that only one person in a household may be affected. She confirmed that when looking at statutory noise nuisance, an average person was considered. In this instance, it was a low frequency noise that other residents had heard as well.
29. Councillor Abbs cited page 23 of the Acoustic Report, which referred to an acceptable noise level of 30 decibels for bedrooms, but page 33 stated that low frequency noise levels were between double and quadruple the acceptable noise levels for the sleeping period. Ms Smy confirmed that they would seek to achieve, through effective mitigation, noise levels below the 30 decibel limit set in the British Standard (BS) and World Health Organisation (WHO) guidelines. She stated that the Council was seeking a level of 27 decibels externally, which would reduce what was heard further inside the property, even with windows open.
30. Councillor Abbs noted that the application was retrospective and had been causing problems for almost a year. He asked why this was only being looked at now. Ms Smy indicated that Environmental Health had been consulted as part of the planning application and had looked at the mitigation measures to see if they were reasonable. She stated that they were also looking at it as a nuisance investigation,

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and that previous issues had been addressed in a piecemeal fashion. She confirmed that measurements had shown the BS/WHO standards were being met, but they were just a snapshot in time. She indicated that there was more than one noise source and based on the noise reports and visits undertaken, the proposed conditions were reasonable and achievable.

31. Councillor Culver asked for evidence that the number of trees proposed would provide effective mitigation. Ms Smy explained that trees were not considered within the mitigation. She was looking instead at solid barriers and the height of the noise sources, since trees would not mitigate the effect of exhausts at roof height.
32. Mr Simon Till, Principal Planning Officer, confirmed that trees and vegetation were typically not considered within planning as having a significant mitigating effect on noise.
33. Councillor Howard Woollaston asked if there was any better way to deal with the problem, such as moving the exhaust to a lower level. Ms Smy stated that barriers or fencing would be of benefit if it were at a lower level. She suggested that the proposed mitigation was in line with that proposed at other sites. She explained that now a particular frequency had been identified, it would be easier to address the problem.
34. Councillor Woollaston asked if the noise was coming out of the top of the flue. Ms Smy replied that some noise was associated with reverberation and air flowing through the ducting and some from the exhaust. She explained that the mitigation would address the problem from all angles and needed technical support from the acoustic consultant.
35. Councillor Vickers noted that a building could be approved and assessed as meeting noise requirements at the planning stage, but Building Control would then check it was performing at the expected level. He noted that this application was retrospective for an existing building where building regulations checks were not required, and so mitigation was not put in place before it came into use. He asked if this was significant.
36. Mr Shepherd explained that when previous applications on this site had been approved, the building in its entirety had a condition that no plant should be installed until details were submitted and approved by the local authority. He noted that the applicant had not done this, and so they were seeking approval retrospectively. He explained that enforcement officers had become involved due to complaints from residents, and it had been determined that there had been a non-compliance with the condition, which had triggered this application.
37. Councillor Vickers asked if this related to the application considered at the last committee meeting. Mr Shepherd indicated that the condition related to an approval granted in 2017.
38. Mr Till noted that planning matters did not make significant distinctions between applications for works that had and had not been carried out in terms of relevant considerations. He confirmed that Building Control only checked compliance with building regulations and not with planning permission. He indicated that members should consider whether it would be possible to achieve sufficient acoustic mitigation now that works have been carried out, and he noted that the officer's recommendation was that it would.

Debate

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39. Councillor Abbs noted that the Committee had considered a lot of retrospective applications in recent years. He indicated that he was nervous about the proposed mitigation. He observed that the proposal was to just meet the BS/WHO standard and that a three decibel difference was significant. He highlighted that there had been several years of noise nuisance from the site. He indicated that he would like to seek additional mitigation over and above what had been sought for the last application.
40. Councillor Cant agreed with Councillor Abbs. He noted that another unit on the site, which was not part of this retrospective application, had significantly exceeded acceptable sound levels. He suggested that there was nothing to stop future occupants or changes of use on this site from resulting in a similar situation at other units. He expressed concern that the applicant did not consider the impact on local residents before installing plant in that position. He wondered whether a condition should be considered to impose a timescale for mitigation being implemented, after which enforcement would be initiated.
41. Councillor Dennis Benneyworth agreed with Councillors Abbs and Cant. He suggested that robust conditions should be imposed regarding noise mitigation, including acoustic fencing, and that enforcement would be vital.
42. Councillor Hilary Cole expressed disappointment at having to determine retrospective applications, since it provided little room for manoeuvre. She agreed with previous comments about the need for good acoustic barriers, but could not see a strong case to refuse the application.
43. Councillor Woollaston proposed to support the recommendation, on the basis that it was supported by appropriate conditions. Councillor Cole seconded the proposal.
44. Councillor Hooker sought clarification regarding conditions. Mr Shepherd referred to Condition 5 and noted that the applicant had already submitted details of the proposed noise mitigation measures. He confirmed that these must be installed within one month and subsequently tested to ensure they were effective. He noted that there was a guarantee of plant maintenance to keep noise levels within agreed levels over time. He highlighted Condition 6 (timer system to mitigate noise impacts at night), Condition 7 (external lighting), and Condition 8 (preventing installation of further extractor units). He confirmed that Planning and Environmental Health were satisfied that the proposed conditions were robust and would achieve the required noise levels. He confirmed that the site would be monitored by the parish council and noted that noise nuisance was given a high priority in terms of enforcement. He indicated that the applicant had worked with the Council and the noise level was improving.
45. Councillor Hooker asked if a condition could be included that imposed a time limit for achieving the required noise levels, since the measures may not be effective. Mr Shepherd stated that Condition 5 addressed this point, including triggers for installation and monitoring, and defined locations for measuring the noise to confirm if agreed levels were being achieved. He also confirmed that the timer system had to be installed within two months.
46. Councillor Abbs noted that the required standard in Condition 5 was 36 dB between 7am and 7pm. He noted that page 23 of the Acoustic Report specified 35 dB. He suggested reducing the required level to 33 dB to give some margin of error. He also suggested changing the wording so it applied to noise arriving from the site as a whole.

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47. Mr Shepherd agreed that the required noise level could be adjusted, but the applications needed to be considered individually and the Council could not introduce conditions that relied on areas outside the red line of this application.
48. Ms Smy stated that a reduced level could be sought, but the applicant may need to take extra steps to achieve that.
49. Mr Shepherd confirmed that the required level would be 33 dB.
50. Councillor Cant asked for an addition to Condition 5 to say that should the organisation fail to implement the noise mitigation measures within 28 days that enforcement action would automatically be triggered. Mr Shepherd indicated that the Planning Authority would take that view regardless of whether or not this wording was added to the condition.
51. Councillor Cant suggested that the Council should be explicit on this matter, since this was a retrospective application where the applicant had taken action that had caused suffering for local residents over a significant period of time. He considered that the Council should send a clear message that such behaviour was unacceptable and there would be consequences.
52. Mr Till stated that it was not possible to stipulate via a condition that was active on an applicant that the Council will take enforcement action. He confirmed that officers would note members concerns and that enforcement action would be taken expediently if required. He stated that a condition requiring action by the Council would not be enforceable or reasonable in accordance with the tests specified in the National Planning Policy Framework (NPPF).
53. Councillor Cant suggested that when officers were under pressure, enforcement could be slower than Members would like, and he wanted it to be on record that enforcement action would be swift and just, if the applicant failed to comply.
54. Councillor Culver noted that a maximum level of 36 dB was imposed on the application determined at the previous meeting. She asked if it was possible to insist on 33 dB for that application also. Mr Shepherd stated that it could not, since the details had already been included on the decision list.
55. Councillor Culver noted that the previous application had a condition on the construction of the noise attenuating fence. Mr Shepherd confirmed that this had already been proposed in the mitigation measures and that the applicant would take this on board when they deliver their scheme.
56. Councillor Culver asked if conditions could be proposed to reduce noise at weekends and during public holidays. Mr Shepherd indicated that due to the nature of the business, operation would be minimised at those times anyway and suggested that such a condition would be overly-onerous.
57. Councillor Vickers asked if concerns could be picked up as part of an informative. Mr Shepherd indicated that members' strong views on this matter would be captured in the minutes. He also noted that officers were very aware of these views, and so any enforcement would be done quickly if necessary.
58. Councillor Abbs asked that the dB limit should apply to the full sound spectrum and specifically to the lower frequencies (0-500 Hz), and not an average value. Ms Smy stated that it would be an average level. She noted that the Parish Council's submission suggested using the ISO standard on low frequency noise. She considered that a specific extra clause would be required to address 125 Hz and below.

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59. Councillor Abbs asked that the dB limit should be applied across 0-500 Hz to cover all likely issues.
60. Ms Smy agreed that a condition would be drafted based on the ISO standard covering 0-500 Hz.
61. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston and seconded by Councillor Cole to accept Officer's recommendation and grant planning permission for the reasons listed in the main report and update report, and subject to the amendments proposed by Councillor Abbs. At the vote, the motion was carried unanimously.

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

Conditions

1. **Approved plans**

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

P152-100 Rev J Location and proposed site plan
P152-101 Rev J Detailed proposed site and parking layout plan
P152-200 Rev I Proposed ground floor plan
P152-201 Rev H Proposed first floor plan
P152-400 Rev I Proposed south and north elevation plan
P152-401 Rev I Proposed west side elevation plan
P152-402 Rev I Proposed east side elevation plan
001 sheets 1 and 2 Left and Right hand 6.0m Walk-in firevaults
003 6.0m Walk-in firevaults

HVC Louvre Systems Series AL acoustic louvres document
Caice Attenuator Schedule document
Swegon Gold RX/PX/CX/SD Generation F installation function manual
Central Fans Colasist Ltd data document for Swegon Gold and BlueBox Zeta
BlueBox Zeta Rev Series A410A document
Allaway Acoustics attenuation document
Rosenberg Regel switches and controllers document
Rosenberg Linefield Rovent 10 axial fan type DQ 315-4 Ex document
Invertek Drives Optidrive E IP20 & IP66 (NEMA 4X) Installation document

Venta Acoustics Noise Impact Assessment ref VA2752.200710.NIA dated 23 July 2020.

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

2. **Landscaping Maintenance**

Any of the 20 trees planted as outlined in the letter from Jaymeni Patel Deign dated 6 th August 2020 and Tree Officer's consultation response dated 7 th July 2020 that Page 16 West Berkshire Council Western Area Planning Committee 4 November 2020 die or become seriously damaged within three years of this permission shall be replaced in the next planting season by plants of the same size and species.

Reason: To ensure a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework, and policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026

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3. Parking in accordance with plans

Within a month of this permission the vehicle parking and/or turning spaces shall be surfaced, marked out and provided in accordance with the approved parking layout plan. The parking and/or turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic in accordance with the National Planning Policy Framework, policy CS13 of the West Berkshire Core Strategy 2006-2026 and policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

4. Ancillary to use of industrial building

The buildings and structures hereby approved shall be used solely for purposes ancillary to the main use of the site.

Reason: The buildings and structures are acceptable due to the specific nature of the business operating from the site and their separate use would not be acceptable on the site in the interests of amenity and ensuring a sustainable pattern of development in accordance with the National Planning Policy Framework and policies ADPP1, ADPP5, CS10, CS14, CS18 and CS19 of the West Berkshire Local Plan 2006-2026.

5. Noise mitigation (amended)

All of the mitigation measures identified in section 5.2 of the Venta Acoustics Noise Impact Assessment VA2572.191211.NIA dated 11 December 2019 shall be installed within 1 month of this permission and thereafter retained and details confirming installation submitted to an approved in writing by the Local Planning Authority.

The plant noise emissions shall not exceed, when measured at the eastern boundary of the residential properties off Yew Tree Stables, 33dB (LAeq) between 07:00 - 19:00 hours and 27dB (LAeq) between 19:00 - 07:00 hours.

Low frequency noise emitted from the plant shall be controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in the Defra Procedure for the Assessment of Low Frequency Noise complaints 2005. Should achieving this require additional noise mitigation measures details of the measures shall be submitted within 1 month of this permission, approved in writing by the Local Planning Authority, and installed within 1 month of the details being approved.

The applicant shall liaise with the Local Authority Environmental Health Officer if assistance is necessary in measuring within the properties of residents. If this is not possible agreement must be sought in writing from the Local Planning Authority to provide a suitable acoustic methodology to extrapolate from data monitored at the boundary of residents.

If no additional noise mitigation measures are required a verification report shall be submitted to and approved in writing by the Local Planning Authority within 1 month of this permission demonstrating the noise does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation. If additional noise mitigation measures are

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required the verification report shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the measures having been installed.

Reason: In order to protect the amenity of adjacent land users in accordance with the National Planning Policy Framework, policies CS14 of the West Berkshire Core Strategy 2006-2026 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

6. **Timer system**

Within two months of the date of permission details of a timing control system for the air handling and associated chiller that will prevent that equipment from operating overnight shall be submitted to the Local Planning Authority. Within a month of the details being approved the timing control system shall be fully implemented in accordance with the approved details.

Reason: To ensure that suitable mitigation is put in place to avoid disturbance to neighbouring dwellings in accordance with the National Planning Policy Framework and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007 and CS14 of the West Berkshire Core Strategy 2006-2026.

7. **External lighting (new)**

No additional external lighting shall be installed on site without the prior approval in writing from the Local Planning.

Reason: To protect the amenities of adjoining land users and the character of the area in accordance with the National Planning Policy Framework and policies OVS.5 of the West Berkshire District Local Plan Saved Policies 2007 and CS14 of the West Berkshire Core Strategy 2006-2026.

8. **Plant machinery and containers (new)**

No additional extractor units, ducts or other mechanical plant shall be fixed to the external faces or roof of the building or ancillary structures without the prior approval in writing from the Local Planning Authority.

Reason: To protect the amenities of adjoin land users and the character of the area in accordance with the National Planning Policy Framework and policies OVS.5 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007 and CS14 of the West Berkshire Core Strategy 2006-2026.

(2) **Application No. and Parish: 20/00761/FUL, Vine Cottage, Curridge Road, Curridge**

(Councillor Hilary Cole declared a personal interest in Agenda Item (4)2 by virtue of the fact that she was a member of Chieveley Parish Council. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/00761/FUL in respect of Vine Cottage, Curridge Road, Curridge. The application related to the creation of an ecological pond, bunds, soakaways, earthworks and a soft landscaping scheme.
2. Ms Sian Cutts, Senior Planning Officer, 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 previous reasons for refusal

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had been overcome, and the proposal was now acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

3. Councillor Clive Hooker asked Mr Stuart Clark, Principal Engineer in the Drainage and Flood Risk Management Team, if he had any observations on drainage and flooding issues relating to the application. Mr Clark confirmed that he had had an assurance from the engineer that the bund would be stable, but Mr Clark required evidence in the form of slope stability calculations. He stated his concerns about the spillway, where in the event that the pond over-topped, the downstream side of the embankment could erode and undermine its stability, so it must be reinforced. He stated that he required details of where the pond would overtop, and how the bank would be reinforced. He indicated that he had previously questioned how the soakaway outlet pipe would be maintained and had suggested a walkway along the top of the bund. However, the proposed barrel-shape to the crest of the bund would make it difficult to walk along. He confirmed that the applicant must demonstrate that the reservoir could be maintained safely. He noted that previous concerns about the location of trees and potential root ingress had been addressed.
4. Councillor Hooker asked Mr Paul Goddard, Team Leader - Highways Development Control, if he had any highway observations in relation to the application. Mr Goddard stated that the bunds were already in place so there would be no issue with spoil being brought to site. He indicated that if Mr Clark was happy there was no threat to the public highway from flooding, then he had no objection.

Removal of Speaking Rights

5. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights were removed for virtual Council meetings. This right was replaced with the ability to make written submissions. This decision was 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.
6. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
7. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Henry Peto, Mr Cyril Wood, Mr Barry Ayres, objectors, and Ms Jill Scrivener, Agent, Ms Kathryn Sadler, Agent and Mr Seton Fairhurst, Applicant. Those able to attend the remote meeting were, Mr Peto, Ms Scrivener and Mr Fairhurst.
8. Individual written submissions were published online along with the agenda: <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MIId=5735&Ver=4>

Objectors' Submission

9. The Clerk read out the joint representation. Members questioned the attendee as follows:

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10. Councillor Tony Vickers asked if the pond being built into the slope of the hill with a protruding bund was unusual in the local area.
11. Henry Peto stated that water flowed down the hill through his property and Curridge Road and that the natural place for a pond would be at a lower level. He noted that the pond would cover about two acres and sit in a slope. He indicated that he did not object to the idea of a pond but suggested that it was the wrong location for a large body of water near residential properties.
12. Councillor Hilary Cole noted that it had been an exceptionally wet month and asked if there had been a significant increase in run-off onto Curridge Road from the site.
13. Henry Peto confirmed that there had been an increase in run-off since the point at which 30-40 trees were felled on the site. He suggested that it was perverse that it was being proposed as an ecological pond when damage had already been done through deforestation.

Agent/Applicant's Submission

14. The Clerk read out the joint representation. Members questioned the attendees as follows:
15. Councillor Adrian Abbs asked three questions:
 - i. When had sand extraction taken place at the site?
 - ii. Where had material used to make the bund come from?
 - iii. Had trees been cleared from the site? He noted that the applicant had stated that no trees had been cleared, but the officer had indicated that trees had been cleared to create the soakaway.
16. Mr Seton Fairhurst explained that sand extraction had continued until the mid to late 80s, which had left an area free of topsoil. He indicated that the area was not on a slope, but flattened off towards the road. He noted that the area had a clay base on which it was impossible to grow pasture and it was barren to everything except gorse and bramble. He stated that the bund material had come from the initial excavation on the site. He had been poorly advised at the outset and was told that it was permitted development, so had started excavation, digging from east to west. He suggested that there had been a misconception about tree clearance and explained that there had been trees near Vine Cottage, but no mature trees had been cleared from the site itself.
17. Councillor Vickers noted that the statement had indicated that the proposal would preserve the character and appearance of the site, and that it was a natural feature within the landscape. He suggested that the pond was not a natural feature in this location with its protruding bund. He noted that the agent had quoted Policy CS13, which related to transport rather than character and appearance.
18. Ms Kathryn Sadler explained that the pond would be excavated out of the existing land and the proposed water level would be below the existing land level. She noted that the bunds were purely landscape features and would not be water retaining, with water levels not going above the base of the bunds or the existing land level.
19. Councillor Carlyne Culver stated that it was commendable to create a pond for ecological reasons, but asked Mr Fairhurst why, if he had such concerns, so many trees had been removed. She noted that objectors (Mr and Mrs Ayres) had submitted images from Google maps, which showed a considerable number of trees on the site previously.

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20. Mr Fairhurst reiterated that there were trees in the garden of Vine Cottage, and part of the field that was not part of this application. He confirmed that trees removed from the site were laurel and rhododendron and recently planted garden trees, and that there were no large, mature trees removed from the area of the application.
21. Councillor Hilary Cole noted Mr Clark's concerns about too little technical information being presented and that pre-commencement conditions were required. She asked for confirmation that the agent was happy with these.
22. Ms Sadler indicated that the applicant was agreeable to the pre-commencement conditions, which covered the construction method statement, bund construction method statement, and construction supervision. She confirmed that the engineer had designed the bunds and would supervise their construction to ensure they met the Council's requirements.
23. Councillor Phil Barnett indicated that he had driven past the site to get an idea of the position of the pond. He suggested that there was a considerable raised level of material already in place and asked if this would form part of the bund or if it would be moved later.
24. Mr Fairhurst confirmed that there was no area around the house or outside the application site which formed a bund for the pond. He reiterated that the pond would be below the existing land level and explained that the trees on the site between Vine Cottage and the levels to which Councillor Barnett referred, precluded any water at that level. He confirmed that there was no movement of land anticipated around the house or anywhere other than the pond site itself and some between the pond and the access track.

Ward Member Representation

25. Councillor Hilary Cole in representing the Committee as Ward Member made the following points:
 - This was the third time that the application had been to Committee and on the two previous occasions it had been refused, based on Mr Clark's concerns about the suitability of the bund, potential flooding, and the maintenance of the soakaways. These concerns remained.
 - Although the applicant had gone a long way to address the concerns of local residents and Mr Clark, she shared their concerns about who would be responsible for monitoring and inspecting works and sought assurances from officers that ongoing maintenance of the pond and soakaways would be regularly monitored, should the application be approved.
 - Chieveley Parish Council was particularly concerned about maintenance of the soakaways, since failure to do this could mean that cottages beside footpath 32 may be subject to flooding.
 - The Council had worked closely with the applicant to ensure an acceptable development in accordance with economic, social and environmental principles. However, if the development were to be approved, a condition should be imposed for the pond not to be used for any commercial purposes, since it was located in a sensitive area within the Area of Outstanding Natural Beauty (AONB).
 - She was unable to support the application, since the pond was out of keeping with the surrounding landscape, which was wooded, lowland, mosaic rather than open countryside.

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- Her recollection was that the whole site was heavily wooded, with Vine Cottage previously being almost invisible from Curridge Road.
- Her belief was that the pond would have an adverse impact on the AONB where developments were expected to enhance the landscape.

Member Questions to the Ward Member

26. Councillor Adrian Abbs asked when the bund was constructed. Councillor Hilary Cole suggested that it would have been before the first application was submitted in 2017, since the applicant had started work thinking that it was permitted development. She indicated that it had been there for between four and five years.
27. Councillor Culver asked about the trees removed from the site, and if she agreed that they were laurel and rhododendron. Councillor Hilary Cole indicated that the site had been heavily wooded with some quite significant trees. She accepted that it was reclaimed land that had been previously used for sand extraction, but it had been a well-wooded and well-screened site.

Member Questions to Officers

28. Councillor Clive Hooker asked officers to provide some direction as to where members should focus their deliberations. He suggested that there was a building regulations issue alongside a planning issue and noted that this was the third application, but issues remained in relation to the design of the pond and the maintenance of the overflow pipe, with significant conditions required to address these points.
29. Ms Cutts suggested that progress had been made. She noted that the Council would be relying on the professional qualifications of the engineer supplying the information. She stated that the bund would need to be constructed in accordance with the requested details and calculations, and she was satisfied that if the applicant were to submit these details, then this should overcome any concerns raised.
30. Councillor Hooker asked if members should focus on the impact on the AONB, flooding, ecology and highways as planning issues. Ms Cutts confirmed that this was correct and indicated that there may be a flooding issue if the design details were not correct, but the conditions would address this, so the main issues were appearance and whether it was an appropriate development.
31. Councillor Culver noted that the applicant had commenced work because he had been poorly advised, and had been told that it was permitted development. Ms Cutts stated that he had not been advised by West Berkshire Planning Department. She indicated that there were some permitted drainage works for agricultural land, which the applicant was seeking to use, but this was not for an agricultural purpose, so it was not permitted development.
32. Councillor Culver asked if the applicant had sought the Council's advice. Ms Cutts was unable to confirm this either way.
33. Councillor Cole asked Mr Clark if he was confident that the pre-commencement conditions would fulfil his requirements.
34. Mr Clark indicated that he would like some input as to the exact wording due to their technical nature. He reiterated the main concerns as the design calculations, the spillway, and assurances that it could be maintained safely. He also indicated that he would like to see a condition requiring the developer to provide evidence that the bund had been built in accordance with the design and specification. He noted that

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the applicant had indicated that the bund was not a water-retaining structure. However, it was on a surface water flow route. A 1 in 100 year storm would result in the pond filling quicker than water could be drawn off, so the bund would in effect become a water-retaining structure. He had previously asked what the existing embankment was made from and stated that in his opinion it was made from rubbish, and was therefore dangerous. This suggested that the landowner had a poor record in building water-retaining structures. He stressed that these bunds would be water-retaining structures that must be designed properly, and the Council needed to supervise construction to ensure they met the design standard.

35. Councillor Abbs asked if this was not a straightforward change of use application. Ms Cutts confirmed that there was no use proposed for the pond, as it was there to retain water as an ecological pond, and there was no use class that it was being changed to. Councillor Abbs noted that it had been refused as permitted development for agricultural use.
36. Councillor Barnett noted the pond dimensions of 40m x 58m x 1.5m deep, which would hold a lot of water that would exert considerable pressure on the bund. He recalled a dam failing in North Yorkshire last year and asked Mr Clark about the weight of the water the bund would retain.
37. Mr Clark indicated that he did not have figures for how much water the bund would impound, but noted that it was a vast amount and that if there was a catastrophic breach of the embankment, then somebody could be seriously hurt. He stressed that it needed to be designed and constructed to stringent standards, and that his concern was purely about safety.
38. Councillor Hooker asked how much weight should be attached to safety in this planning application, and queried whether this was more of a building regulations issue.
39. Simon Till confirmed that the application related to drainage and flood risk and this was one area where planning overlapped a long way into a technical field, particularly since the Council had published supplementary planning guidance on drainage, flood risk and sustainable drainage systems. He noted that concerns raised in relation to water management and safety were matters on which Planning Officers would routinely consult with the Local Lead Flood Authority. He suggested that it was legitimate to consider whether the recommended conditions would be sufficient to control the passage of water without risking damage to health and safety or damage to property in the event of an extreme flood event. He noted that the Supplementary Planning Guidance (SPG), specifically regarding Sustainable Drainage Systems, and the policy on flood risk management were relevant. He urged members to scrutinise the proposed conditions and to consider Mr Clark's advice. He stated that conditions could be used to control drainage, flood risk and water management on this site, but stressed that they needed to be stringent. He suggested that it would be perfectly reasonable for members to recommend approval under the caveat that Mr Clark was re-consulted on the wording of the conditions.
40. Councillor Hooker noted that the Committee was not qualified to apply appropriate conditions.

Debate

41. Councillor Cole felt that the Committee was back to square one in terms of the safety of the bunds and their maintenance. She considered safety to be paramount and was nervous about approving the development, because the applicant had not

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been given much time to read the pre-commencement conditions and could come back subsequently if he felt the conditions were too stringent. She proposed to refuse the application until a better quality application was submitted taking into account the comments on this application and the two previous applications.

42. Councillor Vickers agreed that the application should be refused, but was prepared to set aside the drainage as a technical matter and to allow Mr Clark to change the wording of the conditions. On a more fundamental issue, he asked why a pond was proposed at all, and felt that it could not be approved under policy CS19. He stressed the importance of protecting the AONB. He noted that there were ponds at Greenham and Bucklebury Commons, but not as big as this, and none were as close to the highway nor so visible. He considered that the proposal would harm the landscape character in terms of the local distinctiveness of this part of the AONB, and it would not be appropriate in terms of its location and design. He suggested that the pond should be sunk into the ground, located away from the road and should look more like a natural feature.
43. Councillor Howard Woollaston considered that the proposal would enhance the AONB, but indicated that unless the Council had firm controls over how it was built, he would be minded to vote against the proposal.
44. Councillor Abbs noted that a bund was a man-made feature, so it was an inappropriate development in the AONB. He suggested that the soil used in the bund should be put back and the trees should be let grow back, and that this was an enforcement matter.
45. Councillor Cant agreed with Councillors Cole and Woollaston and would vote against the proposal.
46. Councillor Woollaston noted that the land was of very poor quality and questioned whether trees could be re-established. He suggested that the pond was a good solution for what had been a sand extraction site.
47. Councillor Vickers seconded Councillor Cole's proposal, but on the basis that the CS19 argument was added to the reasons for refusal.
48. Sharon Armour sought clarification on the reasons for refusal.
49. Simon Till confirmed that Members had raised concerns with flood risk, insufficient information with respect to flood risk, and impact on the character and amenity of the landscape and AONB.
50. Councillor Abbs asked if change of use was an issue.
51. Simon Till explained that the default situation of land that did not have another use class was agricultural. This application had no stated change of use, with no intention to use the pond for domestic or commercial use, and would retain agricultural use of the site.
52. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cole and seconded by Councillor Vickers to refuse planning permission. At the vote, the motion was carried.

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

1. Flood risk

The application is proposing the creation of an ecological pond, bunds soakaways, earthworks and a soft landscaping scheme on agricultural land within the North Wessex

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Downs Area of Outstanding Natural Beauty. The proposal has failed provide sufficient evidence that the development can be completed and maintained in a safe manner, and does not incorporate measures for the long term maintenance and management of flood protection and flood management measures, contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, and as such does not demonstrate a high quality and sustainable design, contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026. In the absence of any public benefits to the scheme, the proposal fails to represent sustainable development, and is contrary to policies CS14 and CS16 of the West Berkshire Core Strategy 2006-2026, and the advice contained within the NPPF.

2. Impact on AONB

The application is proposing the creation of an ecological pond, bunds soakaways, earthworks and a soft landscaping scheme on agricultural land within the North Wessex Downs Area of Outstanding Natural Beauty. The formation of the bunds and the creation of the pond will result in alien and unnatural features within the landscape and fails to conserve and enhance the local distinctiveness of the North Wessex Downs Area of Outstanding Natural Beauty. In the absence of any public benefits to the scheme, the proposal fails to represent sustainable development and is contrary to policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and the advice contained within the NPPF.

(3) Application No. and Parish:20/01924/HOUSE, The Bungalow, Downend, Chieveley

(Councillor Hilary Cole declared a personal interest in Agenda Item (4)3 by virtue of the fact that she was a member of Chieveley Parish Council. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/01924/HOUSE in respect of a Section 73A: Variation of Condition 1 (Rooflight windows) of previously approved application 10/02895/HOUSE: Retrospective – Velux rooflights to the east and west elevations (to comply with Condition 3 of approved permission 09/02148/HOUSE).

1. Mr Simon Till, Principal Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission, subject to the conditions outlined in the main and update reports/for the reasons listed in the main and update reports.

Removal of speaking rights

2. 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 was 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.
3. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of

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the Committee might wish to ask in order to seek clarification on any part of their statement.

4. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received Ms Tania Chamberlain, objector, who was also able to attend the remote meeting.
5. Individual written submissions were published online along with the agenda: <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5735&Ver=4>

Objector's Submission

6. The Clerk read out the representation. Members questioned the attendees as follows:
7. Councillor Tony Vickers queried whether Ms Chamberlain was objecting to the window being opened a small amount at the bottom, towards her bathroom window, or to it being fully open. Ms Chamberlain explained that the existing condition had been that the window should be completely fixed shut. When the window has been fully opened, she was able to see directly into her neighbour's room and assumed that they could see directly into her bathroom.
8. The situation had been ongoing for over two years. There had been some exemplary tenants renting the house, however the tenant before last had removed the obscuring film from the window and opened the window completely. The latest tenant had done the same until recently. The condition had therefore not been enforced.
9. There was only one family bathroom in her house, with one window that had to be opened for ventilation to reduce mould, and she was worried that the family could be observed getting in and out of the bath and going to the toilet.
10. Councillor Vickers sought clarification as to whether she would object to the window being fixed so that it could only be opened a small amount. Ms Chamberlain explained that as it was a tenanted property she was not confident that tenants would all abide by the rules, as experience had shown the opposite.
11. Councillor Hilary Cole noted that the objector had written that, 'this had cast a shadow on her lives' and asked whether this situation had affected the mental health of the family. Ms Chamberlain confirmed that it had, as it had been a constant worry. She was not accusing any tenant of being a voyeur, but it was a constant worry as the conditions of a fixed, obscured window, had been broken. She was especially concerned for her child and her child's friends that came and stayed.

Ward Member Representation

12. Councillor Hilary Cole in representing the Committee as Ward Member made the following points:
 - She expected that Members were wondering why she had brought such a seemingly minor application to committee.
 - It was a tenanted property that had been rented by many different tenants over the years. She wanted to make it clear that her issue was not with the former or current tenants, but rather with the owner of the property because of their persistent failure to comply with the planning permission.
 - On this occasion the condition was that a velux window on the west side of the property be fixed, un-openable and obscure glazed. Members should note that this roof-light itself had retrospective permission granted in 2010, as it was in breach of

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a consent granted in 2009. Over this time this condition had been ignored, to the distress of the residents of the neighbouring property whose privacy was affected. This condition was imposed originally to protect the neighbours who had lived in their property for over twenty years. The current case officer was recommending approval, whereas the previous case officer recommended refusal, therefore this was a subjective recommendation, rather than an objective one, as nothing had changed in the interim.

- She asked the Committee to also take into account the planning enforcement action taken in the intervening years, as Ms Chamberlain had contacted enforcement during this period.
- Councillor Hilary Coles' view was that if a breach of condition was sufficient enough for enforcement action to be undertaken, then this action should be seriously considered by the Committee when reaching their decision.
- She firmly believed that there was an obligation on Members to send a strong message to developers, large or small, that planning conditions were set for a reason and should not be changed at a whim for their convenience, it made a mockery of the planning process and treated the local planning authority with contempt. She reminded Members that this was the second retrospective application they had considered at this meeting.
- For this reason she could not support the application and asked the Committee to refuse it, as to do so would not compromise any of their planning policies.

Member Questions to Officers

13. Councillor Dennis Benneyworth noted that Mr Till had mentioned what he felt the Planning Inspectorate's view might be, he remarked that they might also expect the original conditions to be adhered to. Mr Till replied that the Planning Inspectorate would certainly take the previous case officer's reason for applying the condition into consideration. However, the report was scant on detail. Other than the desire to maintain neighbouring amenity, little detail had been given. There was no concern that the neighbouring amenity would be compromised. His understanding from reading through the details, was that the reason the condition had been applied, was that the window was shown on the plans as being fixed shut and obscured, rather than the case officer having given the detailed consideration that would be expected, as to whether the neighbouring amenity would be compromised.
14. In this case, the case officer who considered this amendment to the condition had given due consideration to the neighbouring amenity and her conclusion was that as this was a non-habitable room, a bathroom, was in planning policy terms given limited weight. Traditionally, one would expect the bathroom window to be closed most of the time except when the bathroom was in use, and obscured glaze, and that the user would be paying some attention to their own privacy. The 19 metre separation distance was considerably larger than many side-by-side window relationships, where one of those windows was of a non-habitable room. He could not therefore disagree with the case officer's conclusion.
15. Councillor Adrian Abbs remarked that he thought that there was a rule that there should be 20 metres between views of this nature. He could not agree with the case officer's conclusion. Mr Till explained that 21 metres was the separation distance specified between rear-facing properties of windows, of habitable rooms that faced each other directly to maintain privacy. However that does not exist in policy for side by side relationships and non-habitable rooms.

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16. Councillor Cant was puzzled as to why, when the first planning officer had considered it appropriate to impose a condition to keep the window closed and obscured, had a subsequent officer felt that this was now not a requirement. He agreed with Councillor Hilary Cole that agreed conditions should be enforced. Mr Till reiterated that typically and in accordance with guidance to planning officers, he would expect the rationale for the condition would have been detailed in the case officer's report and to be given in the reason for the condition, however in this case the reason for the condition was quite vague and the report had little detail. It would appear that the case officer had been presented with a plan that had shown this window as fixed and obscured, and the officer had therefore applied this condition without giving due consideration as to whether it was necessary in this case.
17. Councillor Vickers queried as to what weight enforcement action would have on the Planning Inspectorate's decision, should the Committee be minded to refuse this application, and the decision be taken to appeal. Mr Till explained that as he understood it, this was not a case where enforcement action had been undertaken, but where an enforcement investigation had been made, following a report that a condition was being breached. The Council had not taken formal action against the breach of condition, given that there was an application before the Committee to regularise it. Should the application be refused, the Council would need to consider whether it was expedient to either: follow the refusal with enforcement action; to wait until an appeal and its determination, or set aside enforcement action as there was not enough harm to justify it. He suggested that the Members decision at this meeting would have significant input into the officer's considerations and if Members were minded to refuse the application, the reasons for refusal would be taken into consideration by officers as to whether enforcement action should be taken.
18. The Chairman asked for confirmation that the original application was made with the window fixed and obscured, and that the application before the Committee this evening was retrospective to propose that the window that had been opened, be kept open. Mr Till confirmed that this was correct and quoted from the original application.
19. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(3).

Debate

20. Councillor Hilary Cole opened the debate by noting that there had been no submission from the applicant/agent and therefore Members had no idea why they wished to change the window. She found this odd and that if the applicant was keen to do this, in light of the fact that they had ignored the condition, they should have made a good reason to the Committee for the change. Therefore, she proposed to reject Officer's recommendation and refuse planning permission. This was seconded by Councillor Abbs.
21. Councillor Abbs remarked that there had been a slight mistake by an officer not detailing a condition correctly, there was also a small issue with the Council's policy in that it could be tightened up further to protect privacy. He could see definite harm to the neighbours and potential benefit for the applicant, however without the applicant's submission there was no more information. He saw no reason to change the existing condition.
22. Councillor Cant concurred with Councillor Hilary Cole's observation that the Committee had considered two fairly open breaches of granted conditions, secondly

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he noted that the reason for the original condition was to preserve the privacy of the neighbouring property. He would therefore be voting in favour of refusal.

- 23. Councillor Howard Woollaston expressed the opinion that although his daughter was now grown-up, he would have had the same view as Ms Chamberlain and was going to vote against officer's recommendation.
- 24. Councillor Phil Barnett noted that when he visited the site his view was that there was a long distance between properties and he had not understood the neighbour's concern. However, having heard the representations he had changed his mind and would be voting against officer's recommendation.
- 25. Councillor Benneyworth commented that he could go along with officer's recommendation, as long as conditions were applied that the velux window was nailed shut and obscure glazed, however he would be voting in favour of Councillor Hilary Cole's proposal.
- 26. The Chairman asked Members for their reasons for refusal. Councillor Hilary Cole stated that her reasons were that the proposal affected the privacy and amenity of the neighbouring property. The condition was attached to the original permission and nothing had changed in the interim. The adverse effect on the neighbour had to be taken into account, and that as a rental property there was no certainty that this condition would not be breached in the future. The decision would not compromise any of our planning policies. Mr Till suggested that the reason for refusal was contained in policy CS14, in terms of quality of life in West Berkshire and design, along with our supplementary planning guidance, which required such works to consider the privacy and amenity of neighbouring properties.
- 27. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Abbs to refuse planning permission. At the vote the motion was carried.

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

Reasons:

The proposal to vary a restrictive condition to allow a roof light to be opening and clear glazed would result in an unacceptable level of overlooking between 'The Bungalow' and a first floor bathroom window at 'Sunhill Cottage'. The removal of the condition would allow for an increase in the opportunities for actual overlooking and result in a greater sense of perceived overlooking for the neighbouring property. This would be to the detriment of the amenities of current and future occupiers of both properties. The proposal therefore fails to secure a good standard of amenity for existing and future occupants of neighbouring properties as required in the provisions of the National Planning Policy Framework 2019, Policy CS14, of the West Berkshire Core Strategy (2006-2026), the Quality Design West Berkshire SPD (Part 2: Residential Development), and the House Extensions SPG

32. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.30 pm and closed at 10.00 pm)

CHAIRMAN

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Date of Signature

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DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 11 NOVEMBER 2020

Councillors Present: Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carolyne Culver, Clive Hooker (Chairman), Andy Moore (Substitute) (In place of Adrian Abbs), Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Jenny Legge (Principal Performance, Research and Consultation Officer), David Pearson (Team Leader - Development Control) and Simon Till (Senior Planning Officer)

Apologies for inability to attend the meeting: Councillor Adrian Abbs

33. Minutes

The Minutes of the meeting held on 14 October 2020 were approved as a true and correct record and signed by the Chairman.

Item 2, page 20, bulleted paragraph 2: Councillor Carolyne Culver noted that, “Also her understanding was that most of the staff at the site came from outside the Ward and therefore the Committee...” should read, “Also her understanding was that most of the staff at the site came from outside the Ward. The Committee...”

Item 2, page 25, condition 5: Councillor Culver asked that “overnight” be replaced with the specific timings agreed during the meeting.

Item 2, page 26, condition 10: Councillor Culver asked that constant background vibration noise be addressed in the condition, as discussed in the meeting.

Item 2, page 27, point 5: Councillor Culver noted that the Council Meeting had taken place on 10 September 2020, not 10 October 2020.

34. Declarations of Interest

Councillors Phil Barnett, Tony Vickers and Andy Moore 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.

Councillor Dennis Benneyworth declared an interest in Agenda Item 4(3), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

35. Schedule of Planning Applications

(1) Application No. and Parish: 20/01326/FUL, 11 - 13 Market Place, Newbury

(Councillors Phil Barnett, Tony Vickers and Andy Moore declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Newbury Town Council and its Planning and Highways Committee where this applications had already been discussed. Councillor Vickers also declared that his wife was a ward member and had previously indicated her opposition to this application. Councillor Moore also declared

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that he had been lobbied on the application. As their interests were 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 20/01326/FUL in respect of 11 - 13 Market Place, Newbury. The applicant sought permission for a change of use of the ground floor from betting shop (Sui Generis) use to adult gaming and amusement centre with bingo (Sui Generis), including installation of associated signage comprising 1no. externally illuminated fascia sign and 1no. externally illuminated projecting sign.
2. Mr David Pearson, Team Leader – Development Control, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion, the report detailed that the proposal was acceptable in planning terms and officers recommended to approve the application subject to the conditions outlined in the report and update sheet.

Removal of Speaking Rights

3. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights were removed for virtual Council meetings. This right was replaced with the ability to make written submissions. This decision was 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.
4. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
5. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Barney Ray, agent, who was not able to attend the remote meeting.
6. Individual written submissions were published online along with the agenda: <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=6067&Ver=4>

Agent's Submission

7. The Clerk read out the representation.

Member's Questions to Officers

8. Councillor Tony Vickers asked how the proposed condition on sound reduction would be implemented. He suggested that it was difficult to ensure this was implemented and effective prior to the development coming into use.
9. Mr Pearson indicated that the Council did not have the resources to proactively monitor every condition imposed and that they had to rely on applicants implementing conditions as agreed. However, he noted that agents were aware of the consequences if there were subsequent complaints, and if investigations found that noise mitigation had not been implemented correctly. He also highlighted that the development required a licence to operate, which must be renewed at regular intervals, and so this provided the Council with additional controls. He indicated that if members had particular concerns, the Enforcement Team could ask the applicant

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to notify the Council when the works had been completed, so an inspection could be arranged subject to available resources.

10. Councillor Andy Moore asked about the petition submitted by friendsofnewbury.co.uk. He stated that he had not been able to find the organisation on the Internet and had emailed the contact without reply. He asked the officer if the petition had been validated. Mr Pearson explained that the Planning Department did not have the resources to routinely validate submissions, and so they were taken in good faith.
11. Councillor Carlyne Culver noted that officers had concerns about the company (page 40, point 6.16) and asked what these were. Mr Pearson confirmed that these were concerns raised by the objectors and that officers did not have any concerns.
12. Councillor Hilary Cole noted the proposal for 24 hour operation and asked if the Committee could change the operating hours. Mr Pearson confirmed that Members could restrict operating hours if they had significant concerns, but noted that the applicant had six months to take any condition to appeal if they did not agree with it. He noted that planning officers were not aware of what licence conditions might be imposed.
13. Councillor Hilary Cole suggested that the Planning Committee was operating blind, and that it might want one thing, and the Licensing Committee another.
14. Councillors Vickers and Moore stated that they had watched the livestream of the Licensing Committee meeting where this application had been discussed. Councillor Moore indicated that he did not know the outcome, but from the discussion he had seen, it was unlikely that the Licensing Committee could or wished to impose conditions limiting the hours of operation, and that they were subject to more significant legal constraints than the Planning Committee.
15. Councillor Culver asked how many jobs the development would create and the level of income generated. Mr Pearson stated that the supporting evidence showed it would create between six and twelve jobs, and that it would mean an empty building would become active again, generating business rates. He also noted the applicant had mentioned that the organisation made large donations to charity, but he did not recall any other figures about wider economic benefits.
16. Councillor Culver noted that moral issues were not applicable to the Committee's discussion, but asked if there would be any kind of shop that would not be considered appropriate for this location (e.g. a sex shop). Councillor Hooker suggested that this could only be addressed if such an application came before Committee in its entirety.
17. Mr Pearson stressed that it was important to bear in mind that the premises had existing permission for gambling, and so could revert to a betting shop at any time.
18. Councillor Moore noted that the application to the Planning Committee was for an adult gaming centre with bingo, but the application to the Licensing Committee was for a bingo centre, and wondered if this was a different application for a different purpose. Mr Pearson stated that he was not an expert on licensing, but he noted that the applicant would have gaming machines and online bingo games, and the information provided to the Planning Committee was an accurate indication of the intended use.
19. Councillor Howard Woollaston expressed concern about the proposed operating hours. Mr Pearson indicated that Members needed good grounds for restricting the hours of operation. He noted that there were no objections from Environmental

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Health or the Police. He suggested that it might be difficult to defend any restrictions on operating hours at appeal. He reminded members that the licence would need to be renewed at regular intervals, which would provide some control if there were issues. He noted that the applicant had similar premises around the country and had never had a licence revoked.

Debate

20. Councillor Hilary Cole agreed with the agent's comments about the need for a pragmatic approach and to prioritise economic recovery. She confirmed that she had no issue with a gaming establishment at this location, but she saw no reason for it to have a 24 hour operation. She indicated that she would be more comfortable if the operating hours were restricted. She noted that Environmental Health had no reason to support restricted operating hours, but noted that the nearby nightclubs and pubs restricted their late opening hours to the weekends. She suggested that there was not a demand for 24 hour gambling in Newbury. She indicated that she was happy to support the officer's recommendation, but wanted to see a condition imposed to restrict opening hours to 2am at the latest.
21. Councillor Barnett seconded Councillor Hilary Cole's proposal. However, he noted that some customers may be addicted to gambling and that limiting the time they could spend there may be sensible. He also suggested that the development may attract people that the organisation may not want to accommodate, and staff would need to be properly trained to handle this.
22. Councillor Moore also expressed his support for Councillor Hilary Cole's proposal to limit operating hours, but acknowledged that it was difficult to make a strong case to do so, because of the limited noise nuisance. He suggested that it should close at midnight Monday to Friday and 3am on Saturday and Sunday to align with other entertainment venues in the area. He suggested that if the town centre was generally quiet after other businesses had closed, then customers leaving this development may disturb that quiet. He asked officers to assist with framing conditions.
23. Councillor Hooker asked Councillor Moore for his thoughts on opening times. Councillor Moore suggested 8am or 9am.
24. Councillor Jeff Cant indicated that ideally he would like to see the hours restricted to those of the existing betting shop. He suggested that the development could be a magnet for people leaving pubs when they closed, and suggested that it should close when the nearby pubs closed to guarantee peace for local residents.
25. Councillor Dennis Benneyworth agreed with Councillors Hilary Cole and Phil Barnett. He suggested that operation would be self-limiting, since it would not be economically viable to be open 24 hours a day. He suggested that it would not be universally popular within the town, and that closing at 12am in the week, and 3am at weekends would be acceptable.
26. Councillor Vickers noted that Councillor Moore knew the town centre well in his capacity as a street pastor. He agreed that gambling was addictive and that this was a good reason not to have 24 hour operation. He noted that it was unlikely to ever have more than one person working there, and this lack of support was a concern. He disagreed that this development was the same as a betting shop, since betting shops were quiet places and gaming machines were noisy. While he was impressed with the submitted sound report, which suggested that mitigation would be adequate, his experience as an applicant was that he had to spend a lot of money simulating the situation that the mitigation was designed to address, only to

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- find that the mitigation was not effective. He suggested that restricting the hours of operation would allow residents living about the shop to get some rest.
27. Councillor Moore noted that in the agent's response to one of the objectors on 14 September, he had accepted that an hours limitation may be possible, but subsequently changed his position.
 28. Councillor Hilary Cole proposed a condition restricting opening hours of 8am to midnight Monday to Thursday and Sunday, and 8am to 2am the following day on Fridays and Saturdays.
 29. Councillor Moore suggested extending the opening hours to 3am at weekends to be in line with Zinc nightclub.
 30. Councillors Hilary Cole and Barnett agreed to amend the original proposal to reflect Councillor Moore's suggestion.
 31. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole and seconded by Councillor Barnett to accept Officer's recommendation and grant planning permission for the reasons listed in the main report and update report, subject to an additional condition restricting opening hours to 8am to midnight from Monday to Thursday and on Sunday, and from 8am to 3am the following morning on Friday and Saturday. At the vote, the motion was carried by eight votes for and one against.
 32. Councillor Hooker experienced technical issues with his connection and temporarily left the meeting, so Councillor Vickers took over as Chairman.
 33. Councillor Culver noted the noise survey highlighted the need to constrain noise to 30 dB between 11pm and 7am, but this was not mentioned in the noise mitigation on page 41, point 4. She asked if this could be incorporated into the conditions.
 34. David Pearson confirmed that the application had been determined, so conditions could not be amended.
 35. Councillor Vickers asked if the existing condition satisfied Councillor Culver's concerns because the applicant was undertaking to meet the specified sound levels at all times. Councillor Culver noted that she had indicated that she wished to speak before the vote, but had not been allowed.
 36. Sharon Armour confirmed that the vote had been taken on the conditions listed in the agenda, which referenced the report, so the details of the report had been accepted.
 37. Councillor Hilary Cole suggested that the condition included what was specified in the update report.
 38. Councillor Vickers asked if the concern should be minuted and included as an informative.
 39. Sharon Armour confirmed that the conditions in the agenda pack and update report had been approved and suggested that Planning Officers could come back to Councillor Culver on whether her concerns were addressed by these conditions.
 40. Councillor Hooker rejoined the meeting. He agreed that the conditions were as per the agenda pack and update report, but with the additional condition on operating hours. He noted that no concerns had been expressed about the noise report or Environmental Health's comments. He noted that it was his right as Chairman to curtail discussion at any time.

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

Conditions

1. Approved Documents

The development hereby permitted shall be carried out in all respects in accordance with the following plans/drawings:

- Drawing Ref. MP/NEW/01 Existing Floor Plans and Shopfront Elevation (Rev. A) dated 12 June 2020
- Drawing Ref. MP/NEW/04 Proposed Fascia Sign and Projecting Sign Details (Rev. D) dated 30 September 2020
- Drawing Ref. MP/NEW/06a Block Plan dated 12 June 2020

Reason: To ensure that the development is carried out in accordance with the submitted details and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

2. Commencement

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the permission.

3. Materials as specified

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

4. Noise Mitigation

The development hereby permitted shall not be brought into use until all rectification works identified in Table 1 of the approved Noise Assessment Report (Ref: PR2001_28_FINAL) dated 01 October 2020 have been provided. Thereafter these works shall be permanently retained in accordance with approved details.

Reason: To protect the amenities. This condition is in accordance with the National Planning Policy Framework 2019 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

5. Hours of Operation

The operating hours for the development shall be restricted as follows:

- Monday to Thursday and Sunday – 8am to midnight
- Friday and Saturday – 8am to 3am of the following morning

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Reason: To protect the amenities. This condition is in accordance with the National Planning Policy Framework 2019 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

Informatives

1. In determining this application the Local Planning Authority has worked positively and proactively with the applicant by: scoping of the application and assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations. Further, the Local Planning Authority has: identified all material considerations and determined the application within the timeframe agreed with the applicant. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2019.
2. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the Customer Call Centre on: 01635 519111.

(2) Application No. and Parish: 20/01327/ADV, 11 - 13 Market Place, Newbury

(Councillors Phil Barnett, Tony Vickers and Andy Moore declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were members of Newbury Town Council and its Planning and Highways Committee where this application had already been discussed. As their interests were 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(2)) concerning Planning Application 20/01327/ADV in respect of 11 - 13 Market Place, Newbury. The applicant sought permission for the installation of associated signage comprising 1no. externally illuminated fascia sign and 1no. externally illuminated projecting sign.
2. Mr David Pearson, Team Leader – Development Control, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion, the report detailed that the proposal was acceptable in planning terms and officers recommended to approve the application subject to the conditions outlined in the report and update sheet.

Removal of Speaking Rights

3. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights were removed for virtual Council meetings. This right was replaced with the ability to make written submissions. This decision was 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.
4. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.

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5. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Barney Ray, Agent, who was not available to attend the remote meeting this evening.
6. Individual written submissions were published online along with the agenda:
<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=6067&Ver=4>

Agent's Submission

7. The Clerk read out the representation

Ward Member Representation

8. Councillor Clive Hooker confirmed that the ward member had indicated that they did not wish to speak on this application.

Member's Questions to Officers

9. Councillor Howard Woollaston asked if the sign was front-lit rather than back-lit.
10. Mr Pearson confirmed that that there were down-lights on the top of the projecting sign, but it appeared that the fascia sign would be internally illuminated.

Debate

11. Councillor Andy Moore proposed to approve the application as per the Officer's recommendation. Councillor Cole seconded the proposal.
12. Councillor Woollaston indicated that he was not happy for the fascia sign to be back-illuminated and he did not want to see a bright sign in the Market Place.
13. Councillor Clive Hooker asked Mr Pearson what conditions could be imposed to respond to Councillor Woollaston's concerns.
14. Mr Pearson considered the proposed sign to be similar to those on other premises in the area. He suggested that a condition could be imposed for the development not to commence until further details had been submitted for the lighting of the fascia sign.
15. Councillor Dennis Benneyworth noted that Councillor Moore was very familiar with the Market Place and asked if he was aware of any other backlit signage.
16. Councillor Moore was not sure, but suggested that One-Stop might have a back-lit sign. He indicated that there was a relevant photograph in the agenda pack.
17. Councillor Hooker asked if the proposed main advert over the top of the door would be illuminated. Mr Pearson confirmed that this and the projecting sign would be externally illuminated.
18. Councillor Vickers indicated that he did not feel strongly about the back-lit sign, but suggested that the lights could be turned off when the premises were closed. He considered that the main damage to the conservation area was from large signs, and the lighting did not bother him.
19. Councillor Moore did not have any concerns, but suggested that further information could be sought from the applicant.
20. Councillor Hilary Cole confirmed that she had no issue with the back-lighting and suggested that this was commonplace on any High Street. She did not consider that there was anything particularly redeeming about the Market Place that would make the sign inappropriate.

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21. Councillor Hooker asked if Members were happy for the application to be approved with no conditions.
22. Councillor Woollaston indicated that he was not.
23. Sharon Armour confirmed that if Councillors Moore and Cole who proposed and seconded the motion to approve the development without conditions were happy to proceed, then a vote should be held on that basis.
24. Councillor Woollaston reiterated his strong feelings that back-lit signs in conservation areas were inappropriate.
25. Councillor Cole noted that the sign on the museum, which was a listed building, was back-lit.
26. Councillor Woollaston indicated that he felt this was wrong, but was prepared to go with the majority.
27. The Chairman invited Members of the Committee to vote on the proposal by Councillor Moore and seconded by Councillor Cole to accept Officer's recommendation and grant planning permission for the reasons listed in the main report. At the vote, the motion was carried with seven votes in favour and two against.

RESOLVED that the Head of Development & Planning be authorised to **permit** advertisement consent application subject to the conditions listed below:

Standard Advertisement Consent Conditions

1. Any advertisements displayed, and any site for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to secure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Additional Conditions

1. Approved Documents

The development hereby permitted shall be carried out in all respects in accordance with the following plans/drawings:

- Drawing Ref. MP/NEW/01 Existing Floor Plans and Shopfront Elevation (Rev. A) dated 12 June 2020
- Drawing Ref. MP/NEW/04 Proposed Fascia Sign and Projecting Sign Details (Rev. D) dated 30 September 2020
- Drawing Ref. MP/NEW/06a Block Plan dated 12 June 2020

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Reason: To ensure that the development is carried out in accordance with the submitted details and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

2. Materials as specified

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

Informatives

1. In determining this application the Local Planning Authority has worked positively and proactively with the applicant by: scoping of the application and assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations. Further, the Local Planning Authority has: identified all material considerations and determined the application within the timeframe agreed with the applicant. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2019.
2. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the Customer Call Centre on: 01635 519111.

(3) Application No. and Parish: 20/01620/FULD, Denford House, Denford Park, Hungerford, Kintbury

(Councillor Dennis Benneyworth declared a personal interest in Agenda Item 4(3) by virtue of the fact that he worked in the equestrian world, including racing, however he had no connection to the owners of the site, nor the business operating there. He had also been lobbied by the applicant/agent and neighbour. 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(3)) concerning Planning Application 20/01620/FULD in respect of the erection of a 1 bedroom North Lodge to be occupied in connection with Denford Park Estate with ancillary parking, turning, landscaping and garden area. Alterations to existing access arrangements including replacement boundary wall and gates in Denford Park, Kintbury.
2. Mr Simon Till, Principal Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

Removal of speaking rights

3. 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 was made in

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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.

4. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
5. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Callan Powers (Fowler Architecture) and Ms Samantha Ross (Ross & Ross Consulting), agents. Both Mr Powers and Ms Ross were able to attend the remote meeting.
6. Individual written submissions were published online along with the agenda: <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=6067&Ver=4>

Applicant/Agent's Submission

7. The Clerk read out the representation. Members questioned the attendees as follows:
8. Councillor Tony Vickers question related to Condition 5, he queried what activities the employee and the employee alone would be undertaking with regards to security for the estate. In his experience there was a manned guardroom, rather than one sole employee. He queried whether the person who lived in the Lodge would be an active security person. Mr Powers confirmed that it would be a full-time security guard.
9. Councillor Andy Moore noted that there was an existing security Lodge at the southern end of the estate, and that CCTV was part of this application. He queried that as there were automated gates and the approach to the access was visible, whether the security function could be achieved through remote monitoring of the CCTV cameras from elsewhere on the estate without the need to build the proposed Lodge.
10. The Chairman asked for clarification as to whether CCTV was included in the application. Mr Till explained that the CCTV formed an ancillary development to the security room.
11. Mr Powers described that the north entrance was the main entrance through which deliveries accessed the estate. The southern entrance was not suitable for this purpose. There was an existing automated gate at the southern entrance, however this did not provide the estate with the necessary level of security. The security Lodge would mean that the guard would be able to monitor and control who entered the site and what areas they accessed.
12. Councillor Carlyne Culver noted that the guard would not be expected to work 24 hours a day, but would be living in the Lodge. She queried the arrangements for when the guard was not working, but was living in the Lodge, but someone else would be working in the guard room at the same time. Mr Powers explained that that there would be someone in the property 24 hours a day, but could not explain security details in a public forum.
13. Councillor Culver further questioned Condition 7 where it mentioned the kind of person who would be living at the Lodge, and it stated, "...or retired". She queried

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why a retired person would be living there, if the Lodge was intended for a security room. Mr Powers explained that this was standard condition wording for tying a dwelling to an essential worker and protecting the rights of the essential worker. He confirmed that it was intended to be a security Lodge. Councillor Culver asked if the occupant would be paying rent to the land owner. Mr Powers could not comment.

14. Councillor Moore asked whether the applicant had considered changing the southern entrance into the main entrance. Mr Powers reiterated that the southern entrance was not suitable for a main entrance.

Ward Member Representation

15. Councillor Dennis Benneyworth in representing the Committee as Ward Member made the following points:

- Like most items that come before the Committee there was a weighing up of information from two sides. In this instance, a new build for operational and security reason in the Area of Outstanding Natural Beauty (AONB), against the concerns of the residents of the neighbouring Denford Park Lodge. The residents had emailed me their concerns which I had understood and carefully considered.
- As a policy led planning authority, very specific criteria had to be met when it came to new builds in the AONB. Policy C5 of the Housing Site Allocation Development Plan Document (HSADPD) seemed to fit this application with a regard to housing related to rural workers. Councillor Benneyworth quoted point 4.41 of the HSADPD, regarding the district's approach to the equine and racehorse industry. Taken in accordance with Policy CS12 would support the provision of new residential accommodation where it was shown to be essential.
- From a site visit with the applicant's agents and his fellow Ward Members a few months ago, he had learnt that this was the only suitable position for the main entrance for the estate. The question of a more temporary building was mentioned, but as it was to house a full-time operational facility for 12 months of the year, this was not considered to be appropriate, especially over the winter months.
- They learnt that the provision of the Lodge would allow for better monitoring of traffic entry and exit and prevent tail-gating. There really was no incentive to have anyone other than the security guard living in the Lodge.
- Overlooking had featured as one of the concerns, however he believed that due to the staggered offsetting and distance between neighbouring properties, this was not a significant factor and he the conditions applied should give the neighbours some comfort that the building would remain in use for its intended purpose.
- This was a sizeable estate, with the house sitting in some 130 acres, with a further 160 acres nearby acquired more recently. The stud was expanding its business and was a serious financial investment in his ward. The multi-million pound business provided employment either directly or through ancillary businesses, such as stud staff, security staff, gardeners, domestic staff, blacksmiths and vets etc. With bloodstock valued somewhere in the region of £10 million pounds plus, notwithstanding the high profile owner/applicant it was not unreasonable in his opinion to add this security feature.

Member's Questions to the Ward Member

16. Members did not have any questions for the Ward Member

Ward Member Representation

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17. Councillor James Cole in representing the Committee as Ward Member made the following points:

- There were lots of reason to object to the application, such as a house in the countryside, the access of the road and the conditions of occupation, should the application be approved.
- His primary objection was that this was a new house in the countryside. The justification was that it was needed for security and there were no other options available. A previous application had been refused as the proposal failed to demonstrate that there were no other suitable alternative dwellings that could be made available to meet the security need. He had not seen evidence to back that up. Nevertheless, if it were needed there were plenty of houses nearby that the estate could purchase and that in reality is what the estate is known to be looking at doing.
- From one point of view, it would be nice to have an extra house in that location, however it was not actually necessary. As some of the Committee had begun to wonder already, combined with the existing sophisticated electronic monitoring equipment, security could be provided by a guard hut that nobody would object to. Realistically this would better cover the 24 hour security need.
- From another point of view, a neighbour commented to Kintbury Parish, that it was important to note that, unless Denford House built a wall around the entire estate, it would always be open to security breaches. Therefore, security alone was not a good enough excuse for a new house in the countryside. In reality any self-respecting raider would now use a four-wheel drive and go through a hedge.
- As far as the access was concerned, it had been changed to remove the two-way option. With the current two-way process vehicles queued on the road when one gate was broken. The problem was that when you did get a problem, vehicles had to back up blindly into the lane and met other riders, pedestrians and cars. The block plan showed a lay-by inside the gate and a slightly widened splay for the entrance being retained. Quite apart from the effect on others nearby, he was not convinced that this would do what even the applicant would want, as it did not look big enough for the size of vehicles it was meant for.
- He thought it was a pity that the agent had not spoken with the immediate neighbours.
- He felt that the layout needed improvement.
- The conditions of occupation tied the estate a small amount more, but still read like it was a retirement bungalow for retired jockeys and their widows. This did not appear to be a permanent full-time guard house. The justification was that a guard was needed, however the wording did not require the permanent person to be in the Lodge. To be a genuine guard house, it had to be a permanent guard house.
- He suggested a simple additional condition to state that the occupation should be a current employee of the estate, capable of doing the guard job and if necessary a dependent while they were doing the job. The clause just did not look like one for a guard house.

Member's Questions to the Ward Member

18. The Chairman asked if Councillor James Cole had read the Highways Engineers comments in the agenda. Councillor James Cole confirmed that he had, but that he disagreed.

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Member's Questions to Officers

19. Councillor Vickers asked if officers could clarify where the north lodge was. Mr Till explained that North Lodge was referring to previous applications for the proposed building. Councillor Vickers queried noted that on the map there was no building within the red line or anywhere near it. In the application in 2012 it was considered contrary to policy, but was approved. He remembered that this was called the North Lodge but he could not see it on the plan. Mr Till explained that the North Lodge was a building that had been approved, but was never built out.

Debate

20. Councillor Jeff Cant opened the debate by noting that the officer's recommendation was clear and that this proposal was for the equine activity of the estate. It was drop dead obvious that the application should be approved.
21. Councillor Cant proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report.
22. Councillor Vickers disagreed as his concern was Condition 5. The only purpose for the application was to provide a security lodge. He thought that Condition 5 should be amended in the way suggested by Councillor James Cole. He was not happy that the security arrangements required there to be a security lodge, however he did not have the necessary knowledge of the racing industry to be sure. He could understand that there were various reasons someone might want to access the site to undertaken criminal activity and could therefore accept that there was a reason to have a manned presence at the main gate. However, the person providing that in daylight hours, must be the person that lived there and that was not what was stated in the condition.
23. The Chairman asked for clarification on the suggested wording. Councillor Vickers reiterated Councillor James Cole's suggestion that the Lodge should be for the occupation of a security guard and their dependents.
24. Councillor Hilary Cole supported the application. Precedence had been set as previous permissions for a North Lodge had been approved. On those occasions, Councillor Vickers and Hilary Cole had been on the Committee and had visited the site. It was a large estate and traditionally estates had lodges at both entrances, and she felt it was acceptable to have a lodge at this entrance to home and house a security function. She would not for one moment consider that it was needed for 24 hours, as it would be more to do with deliveries and people coming in and out, rather than anything else. She felt a physical presence on site was essential. She therefore seconded Councillor Cant's proposal.
25. The Chairman queried Councillor Hilary Coles' view on the suggest change to Condition 5. Councillor Hilary Cole noted that the occupancy condition was probably a generic one, so that if someone in tied accommodation died, their spouse could not be immediately removed from the property. She was quite relaxed about the wording.
26. Councillor Benneyworth did not see that there was any benefit to the applicant to have anyone other than a security guard at the site. It was entirely what the project was about. He was certain that, being a responsible employer, that the applicant would find alternative accommodation for the dependents. He was in support of the application.
27. Councillor Vickers would not support the application without the change to the condition. It was not a usual tied cottage situation. In this case, should the guard retire, they must go and live somewhere else as the house was purely there for the

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purpose of providing security. If the condition was left unchanged, the situation could arise where the security guard retired and was allowed to continue to live in the lodge and a new application was made for another building for security.

28. Councillor Cant asked the Committee to try to disentangle the potential of micro-managing the exact nature of the tenancy from what they were being asked to approve. As far as he was concerned, this was the same as any other application. The Committee should concentrate on the function that the building was provided for and should accept that the building was for security purposes. He proposed that they accept the generic condition as per the officer's recommendation.
29. Councillor Hilary Cole agreed with Councillor Cant that the application should be taken at face value, and that the applicant would be foolish not to ensure that there would be a person living in the lodge that was not doing so for security reasons.
30. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Hilary Cole to grant planning permission. At the vote the motion was carried.

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

Conditions

1 Approved Documents

The development hereby permitted shall be carried out in all respects in accordance with the following plans/drawings:

- Drawing Ref. 190106-100 Location Plan dated January 2020
- Drawing Ref. 190106-102 Site Plan received on July 2020
- Drawing Ref. 190106-103 Design Scheme received on July 2020
- Drawing Ref. 190106-104 Proposed Gates + Wall received on July 2020

Reason: To ensure that the development is carried out in accordance with the submitted details and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

2 Commencement

The development hereby permitted shall be begun before the expiration of two years from the date of this permission as the final approval of the reserved matters.

Reason: To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

3 Hours of Construction

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

Mondays to Fridays 0730 to 1800

Saturdays 0830 to 1300

There shall be no demolition or construction works or related activities carried out on Sundays, Bank Holidays, Public or National Holidays.

Reason: To safeguard the environment and local amenity. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

4 Removal of Permitted Development Rights

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Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no enlargements or extensions which would otherwise be permitted by Schedule 2, Part 1 and Part 2 of that Order shall be constructed in the curtilage of the dwelling hereby permitted, without planning permission being granted by the Local Planning Authority.

Reason: This condition is imposed to prevent the overdevelopment of the site and to protect the amenities, in the interests of respecting the character and appearance of the surrounding area and is in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

5 Use of Materials

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026), West Berkshire Council's Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

6 Ancillary to the Main Dwelling

The development hereby permitted shall not be used at any time other than for purposes incidental/ancillary to the residential use of the dwelling known as Denford House. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

7 Equestrian Occupancy Restriction (Amended)

The occupation of the dwelling hereby permitted, known as North Lodge, shall be limited to a person solely or mainly employed, (or retired through old age or ill health), within the holding known as Denford Park, or a dependant of such a person residing with that person (including the widow of such a person), on the land identified in this planning permission.

Reason: To ensure the dwelling remains available to be considered as a supporting accommodation for the equestrian business. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy C5 of the West Berkshire Housing Site Allocations Development Plan Document (2006 – 2026) Adopted May 2017.

8 Location of Security Cameras

The security cameras shall be installed in accordance with the approved plans received on 03 November 2020.

Reason: To protect amenities. This condition is in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

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9 Landscaping:

Prior to the development hereby permitted, a detailed scheme of landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of trees and 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) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

10 External Lighting

Prior to the development hereby permitted, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the lights allow for minimal disruption in the movement of protected nocturnal fauna through and around the site, taking into account existing and new vegetation and ecological enhancements. The external lighting shall be installed as approved.

Reason: To ensure the protection of protected species including but not limited to breeding birds which are subject to statutory protection under National Legislation. The condition is in accordance with the Wildlife and Countryside act, paragraph 175 of the National Planning Policy Framework 2019 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

11 Bees

Prior to the development hereby permitted, details of two bee bricks to be integrated into the new structure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the structures and the specification of the structures. The approved structures shall be installed as approved and thereafter retained at all time.

Reason: To incorporate biodiversity improvements in and around the development to protect bees. The condition is in accordance with the Wildlife and Countryside act, paragraph 175 of the National Planning Policy Framework 2019 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

12 Bats

Prior to the development hereby permitted, details of two integrated bat roosting structures or a bat loft with associated access points or equivalent to be integrated into the new structure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the structures and the specification of the structures. The approved structures shall be installed as approved and thereafter retained at all time.

Reason: To incorporate biodiversity improvements in and around the development to protect bats. The condition is in accordance with the Wildlife and Countryside act,

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paragraph 175 of the National Planning Policy Framework 2019 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

13 Birds

Prior to the development hereby permitted, details of two bird boxes to be integrated into the new structure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the structures and the specification of the structures. The approved structures shall be installed as approved and thereafter retained at all time.

Reason: To incorporate biodiversity improvements in and around the development to protect birds. The condition is in accordance with the Wildlife and Countryside act, paragraph 175 of the National Planning Policy Framework 2019 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

14 Roofing Membrane

Prior to the development hereby permitted, details of roofing membrane shall be submitted to and approved in writing by the Local Planning Authority. The roofing membranes must be breathable and are proven to cause a lethal entanglement hazard to bats. The approved structures shall be installed as approved and thereafter retained at all time.

Reason: To ensure the protection of protected species including but not limited to breeding birds which are subject to statutory protection under National Legislation. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) The Wildlife and Countryside act and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

15 Electric Charging Point (details to be submitted)

No development shall take place until details of an electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicle. 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).

16 Access Closure with reinstatement

The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved have been brought into use. The footway/cycleway/verge shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

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

17 Cycle storage

No development shall take place until details of the cycle parking and storage spaces have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and storage spaces have been provided in accordance with the approved details. The cycle parking and storage spaces shall be retained for purposes of cycle parking and storage at all times.

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

18 Parking/turning in accord with plans

The dwelling shall not be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter be kept available for parking of private motor cars and light goods vehicles at all times.

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

19 Sustainable Drainage

The proposed buildings should not be occupied until details of Sustainable Drainage Systems (SuDS), such as water butts or raised planters, to be implemented within the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sustainable drainage systems have been implemented in all new developments. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS16 of the West Berkshire Core Strategy (2006-2026).

Informatives

1 HI 3 Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

2 HI 4 Damage to the carriageway

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

3 HI 8 Excavation in close proximity to the highway

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

4 In determining this application the Local Planning Authority has worked positively and proactively with the applicant by: scoping of the application and assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations. Further, the Local Planning Authority has: identified all material considerations and determined the application within the timeframe agreed with the applicant. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2019.

5 For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the Customer Call Centre on: 01635 519111.

36. Appeal Decisions relating to Western Area Planning Committee

There were no appeal decisions presented at this meeting.

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

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/02322/FUL Enborne	04 th December 2020 ¹	Erection of two sheds for housing cattle during winter Boames Farm, Boames Lane, Enborne, Newbury, RG20 0JT J C Cottrell & Son

¹ Extension of time until 17th December 2020 has been requested and is yet to be agreed with the applicant. A request was sent to the applicant.

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02322/FUL>

Recommendation Summary: To delegate to the Head of Development and Planning to refuse planning permission.

Ward Member(s): Councillor Dennis Benneyworth
Councillor James Cole
Councillor Claire Rowles

Reason for Committee Determination: Ward Member call in by Councillor James Cole if recommended for refusal: A genuine agricultural application for real cattle barns - the new application does have some changes when compared to the previous. The refusal of the previous application caused considerable local unhappiness and disagreement with planners' decision.

Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

Contact Officer Details

Name: Masie Masiwa
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Masie.Masiwa@westberks.gov.uk

1. Introduction

- 1.1 This application seeks full planning permission for erection of two sheds for housing cattle during winter.
- 1.2 The site is at Boames Farm, Boames Lane, Enborne. The barns will be located within the north east corner of Little Copse, a historic woodland with ancient woodland indicators. The application site is within Flood Zone 1.
- 1.3 The combined floor area of the proposed buildings is 744 square metres, and the maximum height of each building is 6.18m.
- 1.4 The buildings are designed with a framework of painted steel. The sloped roofs will be natural grey corrugated cement fibre, incorporating transparent roof lights to maximise natural light. The ends will be tanalised, square timber clad down to 2m, overlapped with concrete panelling coming up from base level.
- 1.5 The submitted documents outline that the sheds have been designed to be on a pad and beam foundation. There would be some levelling of the site to allow the erecting of the sheds and putting down the hard-core.

2. Relevant Planning History

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

Application	Proposal	Decision / Date
01/01849/LBC	Renovation of farmhouse, demolition of lean to structure, addition of new living space and entrance hall	Approved 2001
01/01850/HOUSE	Renovation of farmhouse. demolition of lean to structure, addition of new living space and entrance hall	Approved 2001
03/02115/AGRIC	New field accesses.	No objection decision 2003
05/02210/FULD	Conversion of redundant agricultural building to form an office space and one bedroom 'holiday let' unit.	Approval 2005
06/01931/FULD	Demolition of redundant agricultural building and construction of office space and one bedroom.	Approval 2006
16/00867/HOUSE	Oak-framed porch.	Approved 2016

16/00868/LBC2	Oak-framed porch.	Approved 2016
20/00850/COMIND	Erection of two sheds 30.5m long x 12.2m deep for housing cattle through the winter.	Refused 2020

2.2 The planning history shows a number of different planning permissions and listed building consents for the Grade II Listed Farmhouse. There are other developments that have been carried on the farmyard. However there is no planning history on the woodland site.

3. Procedural Matters

3.1 The proposed development falls within the column 1 description at paragraph 1(c) (Intensive livestock installations projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An EIA screening opinion has been completed as the proposed development exceeds the threshold in column 2 of Schedule 2 (exceeds 500 square metres). Taking into account the selection criteria in Schedule 3 and guidance within the Planning Practice Guidance, an EIA statement is not required in terms of the EIA Regulations.

3.2 A site notice was displayed on 21 October, 2020 and the deadline for representations expired on 11 November 2020.

3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development. CIL liability will not be applicable for this type of development. More information is available at www.westberks.gov.uk/cil

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.

Enborne Parish Council:	The Parish Council members expressed unanimously its strong support for this application, noting in particular the improvements made to the previous application, 20/00850/COMIND, in regard to woodland protection and expansion.
Highways Authority:	No highway objections.
WBC Ecology Officer	Concerns that were raised in the previous application (20/00850/COMIND) for this site have not been sufficiently addressed with this new application. Before the previous

	<p>application was refused the applicant submitted 2 alternative site and location layouts one of these was found to be the most favourable with regard to protecting the remaining ancient woodland/LWS, the replacement planting for the lost woodland and trying to have some sort of unquantified biodiversity net gain given the historic loss of the woodland in the vicinity of the site.</p> <p>Previous WBC Ecology Officer comments are available under application 20/00850/COMIND using the following link:</p> <p>http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00850/COMIND</p>
<p>WBC Archaeology Officer</p>	<p>There are no archaeological implications to this proposal</p>
<p>Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT):</p>	<p>Thank you for consulting with the Berks, Bucks and Oxon Wildlife Trust (“BBOWT”) on the above planning application.</p> <p>BBOWT put forward our serious concerns in relation to the previous application 20/00850/COMIND which was in the same location as the current application. We have reviewed the current application and find it to be substantially the same as the previous application, with no material change adequate enough to cause us to amend our previous position.</p> <p>Despite the historic loss of woodland in the area of the Local Wildlife Site, we continue to have serious concerns about development within a LWS and the impact such development would have on the remaining woodland. Our previous submissions stated that alternative locations should be considered in more detail in order to avoid negative impacts on biodiversity and the LWS. Our concerns regarding the location of the development as submitted for the previous application, remain for the current application.</p> <p>BBOWT comments are available under application 20/00850/COMIND using the following link:</p> <p>http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00850/COMIND</p>
<p>Forestry Commission:</p>	<p>As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:</p> <ul style="list-style-type: none"> • Details of Government Policy relating to ancient woodland • Information on the importance and designation of ancient woodland

	<p>Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover. It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless “<i>there are wholly exceptional reasons and a suitable compensation strategy exists</i>” (National Planning Policy Framework paragraph 175).</p> <p>We also particularly refer you to further technical information set out in Natural England and Forestry Commission’s Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.</p> <p>One of the most important features of Ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct impacts of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:</p> <ul style="list-style-type: none"> • damaging or destroying all or part of them (including their soils, ground flora or fungi) • damaging roots and understory (all the vegetation under the taller trees) • damaging or compacting soil around the tree roots • polluting the ground around them • changing the water table or drainage of woodland or individual trees • damaging archaeological features or heritage assets <p>It is therefore essential that the ancient woodland identified is considered appropriately to avoid the above impacts.</p> <p>We would also like to highlight the need to remind applicants that tree felling not determined by any planning permission may require a felling licence from the Forestry Commission.</p>
<p>WBC Tree Officer</p>	<p>Documents viewed</p> <p>Tree Survey and Arboricultural Report – John Handy Design and Access Statement Boames Farm Enborne Ecological Appraisal – Turnstone ecology</p> <p>Observations</p> <p>My previous comments were made without a site visit, however today I managed to arrange a site visit 02/12/2020 with the Arboricultural Consultant John Handy, Simon Tompkins was also present for the latter part of the visit.</p>

The woodland Little copse is a classic Oak and Hazel Coppice woodland under the National Vegetation Classification it would be deemed W10, further information can be found on the following link:

<https://www.conservationhandbooks.com/woodlands/national-vegetation-classification/>

On the historic Ordinance Survey Map 1843 - 1893 shown below it is denoted as woodland. Even on the recent aerial photos shown below show what appears to be trees or scrub.

The ecology report says under section 3.1.2 '*Little Copse is classified as Lowland Mixed Deciduous Woodland, a Section 41 Habitat of Principal Importance. Bluebells are present which are a protected species under Schedule 8 of the Wildlife and Countryside Act 1981. Sixteen ancient woodland indicators have been recorded, with a low abundance (bluebell, crab apple, guelder-rose, three-nerved sandwort, holly, yellow pimpernel, wood melick, pignut, wood sorrel, yellow archangel, moschatel, wood anemone, hairy brome, primrose, giant fescue and wych elm).*'

Section 3.3.5 of the ecological report gives more evidence about the history of the site and the reasons why the section was cleared. '*The reason the woodland died off in this area of Little Copse is a result of water and slurry run off from Boames Farm when it was an operational dairy farm*'. The semi -mature ash tree in the north western section of the woodland was felled by Scottish and Southern electricity due to interference with the power lines in 2018 and the hollies failed as a result of wind throw.

Following the site visit the site proposed for the sheds has no trees present and is currently used as hard standing for machinery. There were no stumps present on my visit.

The proposed works to the trees to allow the sheds to be built is as follow and taken from the Arboricultural Report:

The removal of 4 trees including a small hawthorn and 3 ash trees is acceptable as the ash are showing early signs of ash die back and would be likely to succumb over the next 5-10 years and have to be removed anyway.

The sheds have been designed to be on a pad and beam foundation to minimise the ground disturbance.

The remaining trees around the woodland are to be protected

throughout the proposal with heras style fencing in accordance to the BS5837 guidelines as shown in the tree protection plan.

The levelling of the site to allow the erecting of the sheds and putting down the hard-core would permanently change the fundamental nature of the site.

New tree and hedge planting

The current proposal shows a 0.18 hectare of native planting to the east of the woodland which links up Little copse and Redding Copse and provides connectivity, which is double the area lost from the proposal (0.08ha), this is welcomed.

There is also approximately 65m of mixed native hedge to be planted, also this is welcomed.

Alternative Sites

On the previous application alternative sites were proposed and in Appendix 2 of the Design and access statement the two sites are shown and an appraisal has been carried out.

There is no indication of who carried out the appraisal/assessments of the site but in my previous comments that the proposed site no. 2 is preferable. However there is no reason given why the site has been shown as approximately 3.5 times greater than the current proposal.

Recommendation

Little copse is in my view a historic woodland, there are plant species in the woodland which are indicative of Ancient Semi-natural woodland such as bluebells and historic ash coppiced trees along the boundary. Even though it is not designated an ancient woodland in accordance with the Ecological report it has 16 indicator species.

The proposed new planting is welcomed however at the loss of this irreplaceable habitat in my view unacceptable. Even if it hasn't been wooded for 20 years as suggested the seed bank beneath the hard core is still there and if left to re-wild would recover.

The other potential sites especially site 2, though dismissed in the appendices of the D&A statement is worth exploring further.

Reasons for refusal.

The proposed development by virtue of its siting would result in

	<p>the direct loss of a historic woodland. The permanent loss of the woodland is unacceptable and this would have an adverse impact on the amenity and character of the area in which it is located.</p> <p>The proposal is therefore contrary to policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006 - 2026 (adopted 2012) and advice contained within the NPPF.</p>
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Public representations

- 4.2 Representations have been received from 14 contributors supporting 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 points have been raised:
- location is ideal
 - proposed location will have the minimum visual impact on the environment.
 - barns are an essential addition to the farm
 - new barns set away from the road.
 - young farmers should be encouraged
 - modern farm barns located in the paddock would spoil the setting from the office space in Boames Farmyard
 - positive effect from the new tree and hedge planting

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, CS10, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies TRANS.1, OVS.5, OVS.6 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)

- Sustainable Drainage (2017)
- Manual for Streets

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, character and appearance of the area
- Impact on quality of life
- Highways
- Flooding and drainage
- Biodiversity
- Green infrastructure

Principle of development

6.2 The site is outside a defined settlement boundary. Policy ADPP1 of the West Berkshire Core Strategy allows for limited development within the countryside focused on addressing identified needs and maintaining a strong rural economy.

6.3 West Berkshire Core Strategy Policy CS10 further states that proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages.

6.4 Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. There are benefits from the development as it will ensure the provision of farm buildings required for the farm operations and housing of cattle currently accommodated approximately a mile away (2 miles round trip).

6.5 Boames Farm is located in the village of Enborne in Berkshire an area associated with small/medium sized farms. Boames Farm is accessed from Boames Lane, with the farmhouse heritage designated as Grade II. The nearest neighbouring dwelling is at Hill Farm to the south-west.

6.6 The proposals do not qualify for Agricultural Permitted Development Rights, as the site is within 400m of a Protected Building (330m), and the intended use is for housing livestock.

6.7 Boames Farm is a 256 acre grassland farm, of which approximately 35 acres is ancient or semi natural woodland. The farm business is operated under J C Cottrell & Son and is mainly concerned with hay and livestock sales. It is submitted that the farm business has had to diversify, and having a Suckler herd of cattle is a large part of this process. The Farm currently has a herd of pedigree, rare breed, Red Poll Cattle.

6.8 The submitted documents outline that the herd is currently composed of 24 breeding cows, with associated young stock. The aim is to have up to 50 cows, with associated young stock. The existing herd is housed during the winter in a converted hay barn, on the western edge of the farm, which is a 2 mile round road-trip. Boames Farm serves

as the main base of operations, the existing housing is currently located off-site. The location of the existing barns requires a large number of personnel/vehicular movements during calving, as well as the transportation of feed and other inputs.

- 6.9 The application is also accompanied by a supporting letter from the Red Poll Cattle Society and from Larkmead Vets.
- 6.10 Officers acknowledge and support the identified need for the farm buildings in supporting the rural enterprise.
- 6.11 All other buildings on the farm are either fully utilised for the storage of hay, straw and machinery, or are not suitable for conversion to cattle housing. It is noted that one of the farm buildings has been converted to an office and a holiday let under application 05/02210/FULD (Conversion of redundant agricultural building to form an office space and one bedroom 'holiday let' unit).
- 6.12 Officers consider that the development would have significant impact on a historic woodland and designated local wildlife site. Officers consider that the development can be carried out elsewhere on the site and officers have previously agreed an alternative location on the previously refused application 20/00850/COMIND. A Potential Sites Appraisal has been submitted which outlines that the visual, noise, odour and ecological impacts of alternative sites 1 and 2 would be greater than the proposed site. Officers considered the likely impacts on the two alternative sites and concluded that site 2 would be the most preferable and officers would be minded to recommend approval in the event that the development was relocated to the site 2 location. Whilst the barns would be located nearer to Boames Lane, this is not an unusual layout for a farmyard. In addition it is not unusual to have neighbouring properties located opposite a farmyard building and consideration was also given to the highway which provides a physical separation between the site and neighbouring properties to the south west.
- 6.13 The principle of farm buildings on the holding is acceptable through the agriculture development proposed and the need identified.
- 6.14 The specific impacts of the development on the character and appearance of the area and how it functions, amenities and highway safety, green infrastructure and biodiversity must also be considered and fully justified. These are material planning considerations that carry significant weight in determining the planning application.

Design, character and appearance of the area

- 6.15 The NPPF states that the Government attaches great importance to the design of the built environment and that in relation to design, Councils should always seek to secure high quality design which respects and enhances the character and appearance of the area
- 6.16 The NPPF further outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 6.17 Policy CS14 of the Core Strategy supports the aims and objectives of the NPPF and provides the design principles for new development within West Berkshire. It is clear that developments must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It emphasises that design does not only relate to the appearance of the development but also the way in which it functions. The Policy has a list of criteria that developments are expected to provide which includes creating safe environments; make efficient use of land whilst respecting the character, landscape and biodiversity of the surrounding area; conserve and enhance historic and cultural assets; and provide, conserve or enhance biodiversity opportunities.
- 6.18 Boames Farm sits at the junction of three high-voltage power lines running broadly north/south and north-eastward. Little Copse is also located to the east of the farmyard and the proposed development is proposed within the north west corner of Little Copse. As a result expansion of the yard eastwards is heavily constrained, although the open paddock area towards the south and close to the lane is unused.
- 6.19 In order to soften the visual impact of the proposed buildings from the north a new landscape corridor is proposed to the east and will comprise mixed, deciduous tree planting. It is put forward that the new planting will connect Little Copse and Redding's Copse to the north east, albeit this planting will not screen the barns from the north.
- 6.20 The barns are proposed partially within the bounds of Little Copse and would remove the north-west corner of the woodland and how it is viewed from the north. Debate remains as to the status of part of the site proposed to accommodate the two cattle barns. Whilst the applicant maintains that the area was cleared 20 years ago, Council mapping records including aerial images from 2003, 2010 and 2018 show that the north-west area had mature trees insitu. This is provided in the site photographs pack for Members' information.
- 6.21 Nevertheless it is evident that trees were historically lost in this area and never replaced or allowed to re-establish. This is discussed later in this report.
- 6.22 The proposed buildings are of identical design and construction. The main framework is painted steel. The sloped roofs will be natural grey corrugated cement fibre, incorporating transparent roof lights to maximise available natural light. The ends will be tanalised, square timber clad down to 2 metres, meeting concrete panelling coming up from ground level. The backs of the buildings will be green steel sheet cladding down to concrete panels. All gates and feed barriers will be galvanised steel, and tanalised wood.
- 6.23 It is considered that the design and appearance is consistent with a functional traditional or modern farm building for the purpose of housing livestock, in this case cattle. In terms of building design and appearance, the buildings would be acceptable.
- 6.24 The proposed development will however result in the permanent loss of a large area of woodland within Little Copse which consisted of a mature woodland of trees. As identified later in this report, there are concerns that the proposed development and in particular the type of use would harm any trees that would be retained if the development is not adequately mitigated.

6.25 The historic woodland at Little Copse contributes to the landscape character of the area and is an established landscape key feature within this location. Any damage that would lead to decline of this key green infrastructure is unacceptable because a loss of part of the woodland would impact on local character and amenity. The development is therefore contrary to the NPPF, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and the Supplementary Planning Document Quality Design (June 2006).

Impact on quality of life

6.26 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire.

6.27 The site is within an existing agricultural area and will not present any adverse impacts on neighbouring amenity.

6.28 There would be some noise generation at the access from vehicles associated with the cattle management, however as the use is for livestock accommodation only it is considered that the frequency and intensification will be limited and will not adversely affect the amenity of residents including at Hill Farm which is located a distance away and across Boames Lane.

6.29 Overall the impact on neighbouring amenity of the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal accords with CS14 and the SPD on Quality Design.

Highways

6.30 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.

6.31 The Highways Officer raised no objections on the proposed development.

6.32 Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan.

Flooding and drainage

6.33 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.

6.34 The application site is located within Flood Zone 1, which has the lowest probability of flooding. It is essential that Sustainable Drainage Methods (SuDS) are adopted to mitigate the cumulative impacts of development on flooding within the area and the wider district.

6.35 Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS). A soakaway is submitted, however a surface water drainage statement outlining the soakaway and filtration details has not been submitted. A condition can be attached to ensure the applicant can submit these details. It is considered that the proposal could comply with Policy CS16.

Biodiversity

6.36 The NPPF also requires significant impact on biodiversity to be avoided in the first instance through locating development elsewhere, and if it can be evidenced that this is impossible, impacts must be adequately mitigated. As considered above, Officers consider that the proposed barns can be located elsewhere within the holding.

6.37 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Harm to biodiversity and geodiversity has been identified with the proposed development and inadequate mitigation is provided.

6.38 Policy CS17 also states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.

6.39 Two separate systems are proposed for the treatment of rainwater run-off from roofs and clean exterior yards, and the management of slurry and effluent arising from manure within the cattle barns.

6.40 The proposal outlines that rainwater run-off from roofs and clean exterior yards will be kept separate from cattle living areas, and discharged directly into a new soak-away as shown on the site plan. Farmyard manure generated within the cattle housing will be handled in accordance with current DEFRA guidelines and the area used for feeding will be scraped daily. The bedding area will be cleaned out as required. It is submitted that slurry from the cattle areas will be intercepted by drainage channels located at each exit point, and will be directed into a reception tank.

6.41 The Council's Ecology Officer was consulted on the latest application and the previously refused application. As stated above the Council's Ecologist has raised objections as the proposal is essentially the same as previously refused, in the same location and without the recommended mitigation.

6.42 The Ecology Officer has outlined that if the barns are retained in this location, then mitigation would be required to protect the retained woodland trees and ensure their sustainability long term. The required mitigation in this proposed location would include a 5 meter buffer between the proposed cattle barns and the retained woodland trees and a further 2 meters given over as a ditch (a total 7 meters of mitigation buffer) running the length of the shared boundary between the barns and the retained trees. Officers consider that the option of a 7 metres buffer is not practical as it will inevitably result in the loss of additional trees to create the buffer. In addition to the woodland protection measures, the proposal would also be required to create a biodiversity net gain by replacing the lost natural habitat and offer net gain enhancements. The

inclusion of the compensatory planting and enhancements discussed in the submitted Preliminary Ecological Appraisal would provide some benefits. However Officers consider that in the long term the enhancements would be negated by a failure to protect the retained woodland.

- 6.43 The Ecology Officer's objection is supported by the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) who have also provided objection comments on both applications.
- 6.44 BBOWT outlines that the application site remains largely within Little Copse Local Wildlife Site, which is designated for its important woodland wildlife habitat. Notwithstanding the policy conflict regarding development within a designated Local Wildlife Site, the proposed cattle sheds would be essentially abutting the remaining woodland, with little space provided for an adequate habitat buffer to protect the woodland to be retained around the barns.
- 6.45 BBOWT indicate that such buffers are required as a minimum in order to protect the remaining woodland from the direct and indirect impacts of the new development.
- 6.46 Whilst outlining statutory guidance on habitat buffers to protect ancient woodland from development and also more detailed guidance around habitat buffers from the Woodland Trust, the BBOWT indicates that the woodland in question is not listed on Natural England's Ancient Woodland Inventory, however the Local Wildlife Site survey report indicates that many ancient woodland indicators are present in the woodland thus indicating the high biodiversity value of the Little Copse woodland. The ancient woodland indicators are also confirmed by the Council's Tree Officer and Forestry Commission.
- 6.47 In addition, it is outlined by BBOWT that deciduous woodland are a priority habitat for conservation, as listed under Section 41 of the Natural Environment and Rural Communities Act 2006, for which the Council has a duty to consider in planning decisions.
- 6.48 There is a high risk of significant biodiversity habitat impacts from the proposal and Officers have been advised using expert advice. Officers also accept that there would need to be significant and appropriate compensatory habitat provision ensured over the long term in line with government guidance on the implementation of biodiversity net gain and offsetting.
- 6.49 The Council's Ecologist has recommended that an alternative site would be the best outcome. During the consideration of the previous application, Officers considered that an alternative location would be possible and this alternative option would be acceptable to support the identified need. Officers advised the applicant that the alternative site 2 would be acceptable and whilst the buffers would still be required to protect the woodland these would be achievable.
- 6.50 Given the above concerns and inadequate mitigation, compensation and enhancements the proposed development will fail to comply with the NPPF and Policy CS17 of the Core Strategy with regard to Biodiversity.

Green Infrastructure

- 6.51 Policy CS18 of the Core Strategy requires green infrastructure such as woodlands to be conserved by development. In their consultation response the Tree Officer has objected to the proposal and outlines that in their view that Little Copse is a historic woodland and there are plant species in the woodland which are indicative of ancient semi-natural woodland such as bluebells and historic ash coppiced trees along the boundary (the applicant's ecological report identifies 16 indicator species).
- 6.52 The Tree Officer considers that the proposed new planting is welcomed, however, the loss of this irreplaceable habitat is unacceptable. Even if the site area has not been wooded for 20 years as suggested by the applicant the seed bank beneath the hard core area is still there and if left to re-wild it would recover. It is also evident on aerial imagery that as recent as 2018 there were mature trees at the site.
- 6.53 The Council's Tree Officer has objected to the proposal. Officers consider it unfortunate that there has been historical site clearance in the north west corner of the woodland, it is unclear if there has been a felling licence on the site. The proposed site area is set with hardstanding/scrub and currently used by the farm. There has been some reference from members of the community that the site area is "brownfield land", this is not the case as the NPPF is clear that land previously in agricultural and/or forestry uses cannot be considered brownfield or previously developed land in planning terms (NPPF Annex 2: Glossary).
- 6.54 The NPPF states that planning permission should be refused for development resulting in the loss of aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Officers do not consider the development outweighs the woodland habitat value and consider that this development can be reasonably carried out elsewhere within the holding. Potential sites were explored and recommended to the applicant at an early stage, however the applicant identified that power lines at the site provided significant constraints. As shown on the submitted illustrative site plan, the proposed barns can be located within the paddock to the south and adjacent to the farmyard. It is illustrated that the barns are clear of the power lines and there would be sufficient gap between the barns and the woodland to accommodate the buffer required to protect the woodland. In addition the barns can be orientated to create a greater distance to the power lines and the existing woodland.
- 6.55 Policy CS18 of the West Berkshire Core Strategy requires the retention of valued green infrastructure which contribute to the character of the landscape and the area. Policy CS18 outlines that the district's green infrastructure will be protected and enhanced, that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.
- 6.56 The policy's explanatory text at paragraph 5.123 states that green infrastructure is the network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes, and are integral to the health and quality of life of sustainable communities.

6.57 At paragraph 5.124 bullet point two the explanatory text defines green infrastructure by stating that for the purposes of the Core Strategy, green infrastructure can also be defined as:

- Natural and semi-natural green spaces including woodlands, urban forestry, scrub, common land, grasslands, wetlands, open and running water, wastelands and derelict open land and rock areas.

6.58 This definition applies to this woodland site. Therefore, it is considered that the loss of a large area of the woodland and the resultant high risk of damage to the retained trees through the housing of cattle development would have an adverse impact on the character, appearance and amenity of the area. The development is therefore contrary to the NPPF, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and paragraph 1.3.2 of the Supplementary Planning Document Quality Design (June 2006).

7. Planning Balance and Conclusion

7.1 The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision. Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal.

7.2 Economic Dimension: Officers consider that the proposal will make a contribution to the wider economic dimensions of sustainable development and will support a rural farming enterprise. The development will improve on the provision of existing farm facilities.

7.3 Environmental dimension: With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been assessed as part of this application. Officers considered that the proposal fails to sufficiently respect and preserve the existing natural environment through a loss of green infrastructure and biodiversity habitat. The proposal also fails to protect and enhance the prevailing pattern of development within the area.

7.4 Social dimension: Officers consider that the proposal makes no significant contribution to the wider social dimensions of sustainable development. However social aspects include the provision of amenity. As the landscape amenity aspects have been found to be unacceptable the proposed development fails to constitute sustainable development.

7.5 For the above reasons, Officers consider that the proposed development is not supported by the presumption in favour of sustainable development.

7.6 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, Officers consider that having regard to the clear reasons to object to the

proposal, the development proposed is not considered acceptable and should be refused for the reasons set out below.

- 7.7 The proposal will significantly harm the established character and appearance of the surrounding Little Copse woodland area, and will have a detrimental impact on the amenity contribution provided by the green infrastructure of the woodland trees within the Little Copse site. In addition the development will result in the loss of part of a wildlife priority habitat and inadequate mitigation, compensation and enhancements have been provided. There are no other material considerations that indicate planning permission should otherwise be approved.
- 7.8 This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP2, CS10, CS13, CS14, CS16, CS17, CS18 and CS19 of The West Berkshire Core Strategy 2006 - 2026 and the Supplementary Planning Document Quality Design (June 2006).

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION subject to the reasons listed below.

Refusal Reasons

1. Impact on historic woodland.

The proposed development by virtue of its siting would result in the direct loss of a historic woodland. The permanent loss of the woodland is unacceptable and this would have an adverse impact on the amenity and character of the area in which it is located.

Policy CS18 of the West Berkshire Core Strategy requires the retention of valued green infrastructure which contribute to the character of the landscape and the area. The NPPF states that planning permission should be refused for development resulting in the loss of aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss. The Local Planning Authority do not consider the benefits of the development outweigh the woodland value and consider that this development can be reasonably carried out elsewhere within the agricultural holding. Policy CS18 outlines that the District's green infrastructure will be protected and enhanced, that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.

It is therefore considered that the loss of a large area of the woodland and the development of the site would have an adverse impact on the landscape character, appearance and amenity of the area. The trees contribute to the landscape

character of the area and are an established key feature within this location. Damage that would lead to decline of this key green infrastructure is unacceptable because a loss of part of the woodland would impact on local character and amenity. The development is therefore contrary to the NPPF, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and the Supplementary Planning Document Quality Design (June 2006).

2. Impact on Biodiversity habitat.

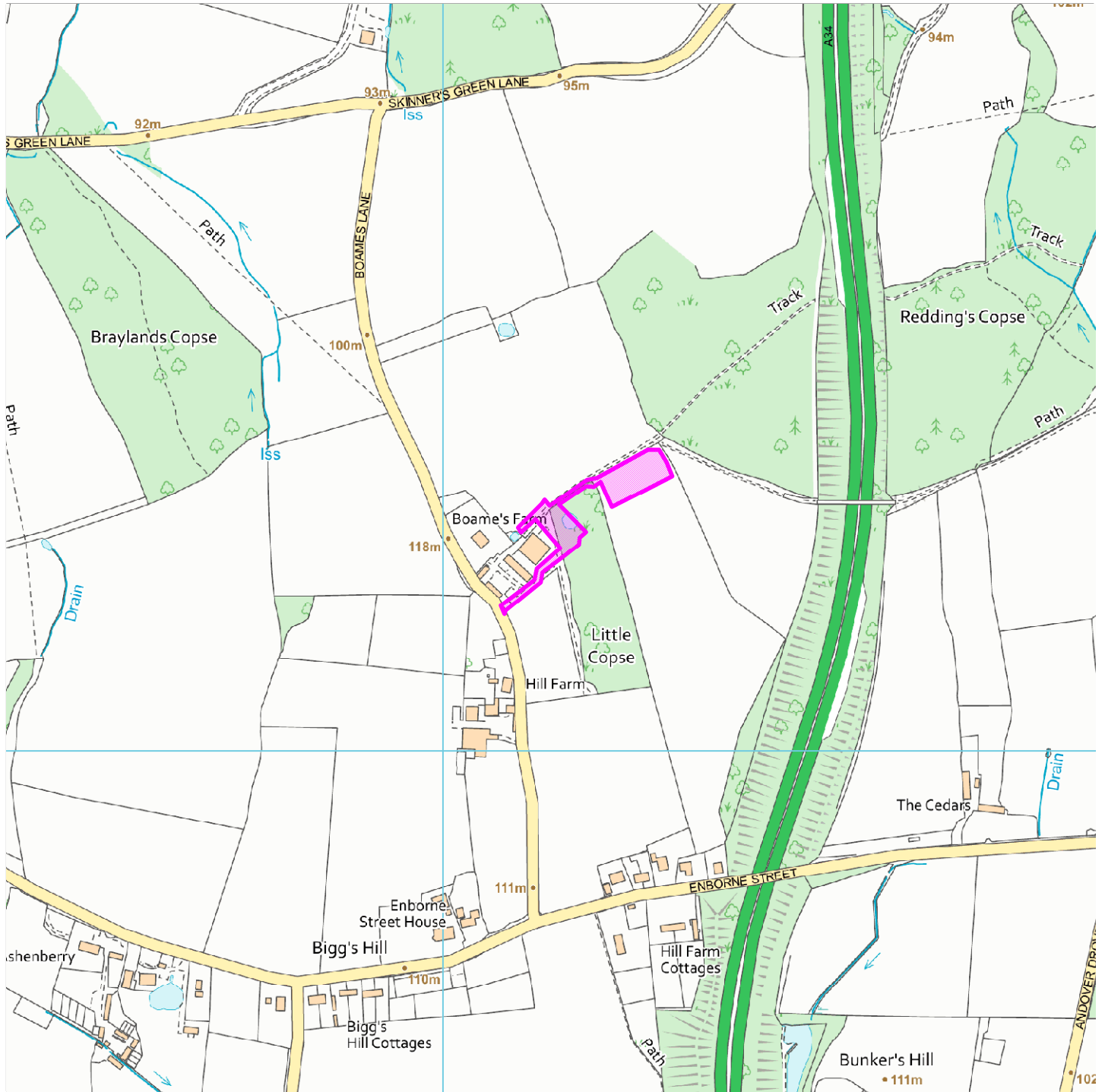
Little Copse Local Wildlife Site is designated for its important woodland wildlife habitat. The proposed development is within a designated Local Wildlife Site and would abut the remaining woodland, with little space provided for an adequate habitat buffer to protect the woodland to be retained.

There is a high risk of significant biodiversity habitat impacts from the proposed development being located within the woodland. The NPPF also requires significant impact on biodiversity to be avoided in the first instance through locating development elsewhere, and if it can be evidenced that this is impossible, impacts must be adequately mitigated.

Given the above concerns regarding the loss of a designated local wildlife site and inadequate mitigation to protect the retained woodland as a Local Wildlife Site, the proposed development will fail to comply with the NPPF and Policy CS17 of the Core Strategy with regard to Biodiversity. The development would fail to mitigate for the impact of the loss of habitats and species and provide the necessary enhancements, to the detriment of biodiversity in the locality and the wider area. The proposal is contrary to the NPPF, the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

Informatives (refusal)

1. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.



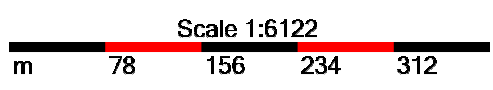
Map Centre Coordinates :

Scale : 1:6121

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 December 2020
SLA Number	0100024151



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