

Notice of Meeting



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Western Area Planning Committee Wednesday 17 March 2021 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 15 March 2021. 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 16 March 2021 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, 17 March 2021
(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, 9 March 2021

Agenda - Western Area Planning Committee to be held on Wednesday, 17 March 2021
(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, James Cole, David Marsh, Steve Masters, Erik Pattenden, Garth Simpson and Martha Vickers
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Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 26
To approve as a correct record the Minutes of the meeting of this Committee held on 3 February 2021.
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).



Agenda - Western Area Planning Committee to be held on Wednesday, 17 March 2021
(continued)

- (1) **Application No. and Parish: 21/00114/COND1, Land Off Faraday Road and Kelvin Road, Newbury** 27 - 46
- Proposal:** Approval of Details reserved by Condition 5 (Phasing Programme of Works) of Approved Application 19/00891/OUTMAJ - Section 73: of Condition 6 - Phasing of previously approved application 18/01553/OUTMAJ: Section 73: Variation of conditions to allow for the development to be phased as detailed in submitted schedule of appeal reference APP/W0340/W/14/3002040. (12/00772/XOUTMA).
- Location:** Land Off Faraday Road and Kelvin Road, Newbury.
- Applicant:** Faraday Development Ltd.
- Recommendation:** To delegate to the Head of Development and Planning to GRANT APPROVAL OF THE SUBMITTED DETAILS subject to conditions.
- (2) **Application No. and Parish: 20/02039/FUL, Land West Of Pumping Station, Enborne Row, Wash Water, Enborne** 47 - 70
- Proposal:** Construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.
- Location:** Land West Of Pumping Station, Enborne Row, Wash Water, Enborne.
- Applicant:** Charles Doherty.
- Recommendation:** To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions.
- (3) **Application No. and Parish: 18/03340/COMIND, Newbury Racecourse, Racecourse Road, Greenham** 71 - 90
- Proposal:** Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1).
- Location:** Newbury Racecourse, Racecourse Road.
- Applicant:** Newbury Racecourse.
- Recommendation:** The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.



Agenda - Western Area Planning Committee to be held on Wednesday, 17 March 2021
(continued)

- (4) **Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham** 91 - 110
- Proposal:** Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms.
- Location:** The Lodge at Newbury Racecourse, Racecourse Road.
- Applicant:** Newbury Racecourse.
- Recommendation:** The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 111 - 120
- Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*

Background Papers

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

Sarah Clarke
Service Director (Strategy and Governance)

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

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DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 3 FEBRUARY 2021

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

Also Present: Sharon Armour (Solicitor), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer) and Simon Till (Team Leader - Western Area Planning)

PART I

44. Minutes

The Minutes of the meetings held on 25 November 2020 and 16 December 2020 were approved as true and correct records and signed by the Chairman.

45. Declarations of Interest

Councillors Howard Woollaston and Dennis Benneyworth declared an interest in Agenda Item 4(2), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

46. Schedule of Planning Applications

(1) Application No. and Parish: 20/01914/FUL, Tree Tops, Hampstead Norreys

(No declarations of interest received.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01914/FUL in respect of a two-storey front and side extension over basement to create granny annexe and carers room. Change of use of associated land to provide two additional ancillary parking spaces at Tree Tops, Hampstead Norreys.
2. Mr Simon Till, Team Leader – Western Area Planning, 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.
3. The Chairman asked Mr Paul Goddard, Team Leader - Highways Development Control, if he had any observations relating to the application. Mr Goddard confirmed that in accordance with the Council's parking standards, there would be a requirement for additional car parking, as the number of bedrooms had been increased from three to five. He noted there had been objections to the proposed location of the spaces due to its distance from the property, however it was as close

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to the property as could reasonably be achieved without the need for extensive additional track work, and this was not a reason for refusal. He confirmed that the proposed spaces would meet all standards, including provision of an electric vehicle charging point. He noted concerns about land ownership, but this was not a planning issue. He confirmed that Highways officers supported the provision of parking spaces as the area was congested, they therefore had no objections.

Removal of speaking rights

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision 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. No written submissions relating to this application were received.

Ward Member Representation

7. Councillor Culver confirmed that she did not wish to address the Committee on this application. She noted that she had called in a previous application, which had been subsequently withdrawn, however she was waving right to speak on this application as she had not been approached in relation to this one.

Members' Questions to Officers

8. Councillor Howard Woollaston asked for clarification as to the location of the proposed parking spaces. Mr Till displayed a photo showing the entrance to the track and confirmed that the spaces would be located at the point from which the photo had been taken.
9. Councillor Hilary Cole asked about the ownership of the proposed site of the parking spaces. Mr Till stated that the blue line showed land within the applicant's ownership, but outside of the residential curtilage.
10. Councillor Phil Barnett noted the considerable incline where the parking spaces were proposed and asked if this would be excavated and affect access via the track. Mr Goddard indicated that retaining structures would be required, but considered that there would be sufficient space to retain use of the agricultural track with the spaces in place, due to the width of the track as it joined the public right of way alongside the public house.
11. The Chairman asked about the dimensions of the track. Councillor Barnett suggested that it may be difficult to turn in and out of the track with the parking spaces in place, especially if there was a car parked at the back of the pub. Mr Goddard confirmed that the width of the track was 10.7m where it joined the right of way and the spaces would be 4.8m wide, so there would be sufficient space for the track to be kept open.
12. With regards to the gradient, Mr Goddard suggested that a condition be sought asking for construction details of the parking spaces, including levels and retaining structures, to be submitted for approval prior to construction.

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13. Councillor Adrian Abbs noted that the blue line shown on the plan passed through a tree and queried whether the width of the tree had been taken into account with regards to the width of the track. Councillor Abbs noted that it was an agricultural track, however he could not see an obvious gate or entrance to the fields. In relation to the house itself, he asked for officers' responses to the queries raised in the letters of objection regarding the 1.6m reduction, whether the decking area was included in the calculations and within the building line. Mr Till advised the Committee that, as this was an in-settlement application for the extension of an existing building, proportionality was irrelevant. He suggested that it was more important to consider whether the design was in keeping with the character and appearance of the area or resulted in other detrimental impacts, not the amount of extension that was proposed. He confirmed that the decking and terracing were 'built form' and would therefore have an impact.
14. Councillor Abbs noted the comments in one of the objection letters that referred to a reduction of 1.6m, but he could not find evidence of this. Mr Till was not aware of this.
15. Councillor Abbs asked about the vehicles that would use the track in future as it was an agricultural track. The Chairman noted that the applicant had bought the track to secure access to his property and asked if it was likely that farm vehicles would use the track in future to access adjacent fields. Mr Goddard suggested that it could be used by a tractor and trailer since the track was quite wide.
16. The Chairman suggested that the landowner would be able to move their parked cars to facilitate access if they needed access for larger vehicles. Councillor Abbs agreed that this would not be an issue if the land was completely within the owner's curtilage, but asked if there was access required to adjacent fields. Councillor Tony Vickers highlighted paragraph 7.4 of the report, which confirmed that the neighbouring farmer had an established right of access to two gates and fields.
17. Councillor Carlyne Culver asked about the route to be used for construction traffic noting the steep gradient of the footpath, which passed the front door of at least one other property. She was concerned that if construction traffic were to use the track to the rear of the property, the adjacent trees might be damaged. Mr Till explained that a condition was recommended requiring a construction management plan, which would be used to secure appropriate access for deliveries of construction materials. This would be considered by Highways officers.
18. Councillor Culver noted that a previous application for a replacement building had been rejected, but the applicant had carried out the works anyway, and an ancient hedge that had been lost had not been restored. She asked if a condition could be imposed on this application to restore the hedge and what could be done to prevent further unauthorised works.
19. Mr Till explained that carrying out works without planning permission was unauthorised rather than unlawful. Planning legislation allowed for retrospective applications and also enabled planning authorities to carry out enforcement action for unauthorised works that resulted in material harm. He stated that there was no condition that could be applied to introduce a warning about unauthorised works. He suggested that reinstatement of the ancient hedge was outside the scope of this application and imposing a condition would be unnecessary and unreasonable and would fail to meet tests set out in the NPPF and would be susceptible to appeal.
20. Councillor Hilary Cole noted that an objector had mentioned parking outside of the settlement boundary. Mr Goddard confirmed that Highways had no concerns.

Debate

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21. Councillor Vickers opened the debate. He had visited the site and felt that the key issue was the parking. He suggested that access to the fields was a private matter between the applicant and the farmer. He suggested that it was important to look carefully at the construction management plan, since access to the site was restricted. The track was the only viable means of access for heavy construction traffic, but it was muddy and had a steep turn. He suggested that the parking spaces would be the last element to be constructed, but the building could not be occupied until they were in place. He suggested that there might be a subsequent application to waive the condition for the parking if the farmer was unable to access the fields. He asked for an amendment to the construction management plan to protect users of the public right of way and avoid a path closure.
22. Councillor Culver asked if a condition could be imposed to ensure the track was left in good order following construction. She stressed the need to protect tree roots from compaction and noted that while Condition 10 protected trees adjacent to the track, it did not mention tree protection around the parking spaces. She welcomed the proposed provision for off-road parking for the site.
23. Councillor Barnett expressed reservations about the construction phase. He suggested that only a four wheel drive vehicle could access the rear of the property as a standard seven tonne vehicles would have some difficulties. He noted that the granny annex would be used by an elderly or infirm person and questioned if emergency service vehicles would be able to reach the property. He suggested that it would difficult to refuse permission, but there were important points that the applicant needed to addressed.
24. Councillor Abbs indicated that he was uncomfortable with the application. He noted that not all of the detailed information he had sought had been provided and he would prefer to defer the decision, however he could not come up with a clear reason for refusal.
25. The Chairman summarised the concerns discussed and asked Members to consolidate the required conditions prior to a proposal. He offered up conditions in relation to a construction management plan, access to the public right of way, tree protection and restoration of the track.
26. Councillor Abbs asked about the restoration of the hedge as mentioned by Councillor Culver. Mr Till confirmed that the hedge did not fall within the scope of the works for which permission was sought and so could not be conditioned.
27. The Chairman asked if separate enforcement action could be undertaken. Mr Till offered to raise it with Planning Enforcement, but suggested that it might be more appropriate to refer to the Tree Officer as it did not involve development work.
28. Councillor Culver asked that the condition for restoration of the track be clarified to say the ground of the track and the trees that surrounded it.
29. The Chairman asked what could be done if a tree was damaged. Councillor Culver suggested that trees should be replaced if knocked down or severely damaged.
30. The Chairman asked how tree roots could be protected. Mr Till suggested that the tree protection conditions could be amended to address Councillor Culver's concerns. He was confident that the condition could be used to require that any trees damaged would have to be replaced by specimens of a similar variety.
31. Councillor Hilary Cole proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, and those proposed in the Committee to address issues identified by

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Members. This was seconded by Councillor Vickers, who also requested that details should be made publicly available for any earth retention structures for the parking spaces that were agreed with officers.

32. Mrs Sharon Armour suggested there should be a separate condition to deal with the plan for parking spaces and the gradient. Mr Goddard agreed and suggested a separate condition requiring the gradient in and around the proposed parking spaces and details of any retaining structures to be submitted for approval prior to commencement. Councillors Hilary Cole and Tony Vickers confirmed their support for this amendment to the proposal.
33. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Vickers 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. Commencement of development

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans

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

- LC-PL-01 (Rev17A) Location plan
- EX-ELV-01 (Rev17) Existing elevations
- EX-PL-01 (Rev17) Existing floor and roof plan
- EX-SPL-01 (Rev19) Existing site/block plan
- EX-3D-01 (Rev17) 3D view of existing
- BLC-PL-01 (Rev17A) Proposed Block plans (including visibility splays)
- PR-ELV-01 (Rev19) Proposed Elevations
- PR-PL-01 (Rev19) Proposed floor and roof plans
- PRSPL-01 (Rev19) Proposed site plan
- PR-3D-01 (Rev18) Proposed 3D view
- SEC-AA-01 (Rev19) Section A-A
- SEC-AA-BB-01 (Rev19) Section A-A & B-B
- SEC-AA-01 (Rev19) Section E-E

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

3. Materials as specified and to match

The external materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

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Reason: To ensure that the external materials respond to local character and appearance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).

4. **Boundary treatment**

The development hereby approved shall not be occupied until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected on the south side of the site bounding the garden of the dwelling 'Mountain Ash' has been submitted to and approved in writing by the Local Planning Authority.

The boundary treatment shall be completed in accordance with the approved scheme before the extension hereby permitted is first brought into use. The approved boundary treatment shall thereafter be retained.

Reason: In the interests of ensuring proper treatment of the boundary between the two sites upon the completion of development in the interests of protecting neighbouring amenity. Insufficient information currently accompanies the application to be able to determine these details at this stage. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

5. **CONS1 - Construction method statement (Amended)**

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel washing facilities
- (e) Measures to control the emission of dust and dirt during construction
- (f) A scheme for recycling/disposing of waste/spoil resulting from demolition, excavation and construction works
- (g) A site set-up plan during the works
- (h) Measures to prevent encroachment of the development onto the Public Right of Way (PROW)
- (i) A schedule of any works required to be undertaken to restore the agricultural track shown outlined in blue on the approved plans to its original condition following completion of the works hereby approved.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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A pre-commencement condition is required because insufficient information on construction methodology accompanies the application and this information is required in order to ensure that construction does not result in a detrimental impact on highway safety and neighbouring amenity.

6. Visibility splays for private drives

The development shall not be brought into use until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the proposed parking spaces and the adjacent footway. Dimensions shall be measured along the edge of the driveway/access and the back of the footway from their point of intersection. The visibility splays shall, thereafter, be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: To enable pedestrians to see emerging vehicles and to be seen by its driver. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. Parking/turning in accord with plans

The development shall not be brought into use until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking of private motor cars at all times.

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

8. Residential annex use

The extension hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Tree Tops. The extension 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 and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 CS14 of the West Berkshire Core Strategy (2006-2026), House Extensions SPG (2004).

9. Electric Charging Point

The development hereby permitted shall not be brought into use until details of an electric vehicle charging point are submitted to and approved in writing by the Council. The charging point shall thereafter be installed as approved and kept available for the use of an electric vehicle.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Tree protection scheme (Amended)

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No development (including site clearance and any other preparatory works) shall commence on site until an Arboricultural Survey and Impact Assessment in addition to a scheme for the protection of trees to be retained is submitted to, and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Any trees that become significantly damaged as a result of the development shall be replaced with a similar species within the first planting season after the development is completed and shall be replaced within the first two years thereafter should any become seriously ill or die.

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

11. Arboricultural Method Statement

No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18, and CS19 of the West Berkshire Core Strategy 2006-2026.

A pre-commencement condition is required as insufficient details of arboricultural methodology have been provided with the application and in order to ensure that all arboricultural works are carried out in an appropriate manner that does not result in undue impacts to trees and shrubs to be retained through the course of development.

12. Hard surfacing (Amended)

No development shall commence on site until details of the proposed parking spaces have been submitted to and approved in writing by the Local Planning Authority. Details, to include a plan, shall indicate the scope of the engineering/excavation works, gradient, surfacing treatment, and any other retaining structures on land on and around the proposed spaces. The parking shall be provided in accordance with the approved scheme before the extension hereby permitted is first occupied. The approved hard surfacing shall thereafter be retained in accordance with the approved scheme.

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Reason: In the interests of ensuring the proposed spaces respect character of the area and ensuring the choice of material does not adversely impact nearby trees. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14, CS18, and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C8 and P1 of the Housing Site Allocations DPD, Policies TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

A pre-commencement condition is required because these details were determined at the Western Area Planning Committee to be a material consideration in the acceptability of the development. On the advice of highway officers, the resolution was for these matters to be submitted prior to the commencement of development.

13. Hours of work (construction)

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

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

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining rural land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS14 CS19 of the West Berkshire Core Strategy (2006-2026).

Informatives

1. Approval – need for revision

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

2. CIL Liability

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

3. Damage to footways, cycleways and verges

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

4. Damage to the carriageway

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

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(2) **Application No. and Parish: 20/02630/HOUSE, Gallants View, Lower Green, Inkpen**

(Councillors Howard Woollaston and Dennis Benneyworth declared that they had been lobbied on Agenda Item 4(2).)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/02630/HOUSE in respect of revised proposals for a replacement entrance porch, internal alterations and extension to accommodate relocated kitchen with dining area with additional bedroom and family bathroom at Gallants View, Lower Green, Inkpen.
2. Mr Simon Till, Team Leader – Western Area Planning, 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.
3. The Chairman asked Mr Paul Goddard, Team Leader - Highways Development Control, if he had any observations relating to the application. Mr Goddard confirmed that Highways had no objections.

Removal of speaking rights

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision 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 Sam Peacock (on behalf of the residents of Hollytree Cottage), objector, and Mr Edward Bennett and Mrs Rebecca Bennett, applicants. Those able to attend the remote meeting were, Mr Peacock and Mr Bennett.
7. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5739&Ver=4>

Objector's Submission

8. The Clerk read out the representation. Mr Peacock was invited to join the meeting and Members questioned Mr Peacock as follows:
9. Councillor Dennis Benneyworth asked for clarification in relation to paragraph 1.10 of objector's statement about the building having already been modernised.
10. Mr Peacock explained that the owners had knocked down an interior wall and created a new kitchen/dining area, so the interior was already quite modern. This led

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him to argue that there was no need for internal modernisation and he felt that it met relevant space standards. He suggested that the only modernisation required was to the exterior of the property, but he considered that the proposed external changes would have a detrimental impact on the character of the building.

11. Councillor Adrian Abbs asked for clarification in relation to shadowing from the proposed development. Mr Peacock explained that Hollytree Cottage was to the north of the site and suggested that the significant increase in building height to 6.9m would increase the shadow cast. He noted that the existing hedges already overshadowed the ground floor kitchen window, however the proposed extension would be much higher than the hedge and would therefore cast a much larger shadow.
12. Councillor Hilary Cole asked about paragraph 1.4 of Mr Peacock's statement, which quoted Policy C6. She questioned the reference to an extension impacting the character of the existing dwelling. Mr Peacock confirmed that the wording was correct. Councillor Cole subsequently agreed, but noted that supporting text provided more detail and nuance.
13. Councillor Barnett asked about the comment relating to the non-attendance of the planning officer. Mr Peacock suggested that the impact on the character of the property was hard to envisage without visiting the site. He recognised that the extension was subservient in scale, but suggested that the important consideration was the size of the extension and the non-matching materials, which would have a drastic impact on the character of the dwelling and the area. He suggested that a smaller extension with a tiled roof, or a larger extension with a thatched roof would be more acceptable and would not impact the character of the building and the area. He noted that the proposed extension was not consistent with Policy C6 in terms of the size of the extension and non-matching materials, and would set a precedent for other thatched dwellings in the area. This would have been understood better if the officer had visited the site.
14. The Chairman noted that the subservient nature of the development was subjective and the Conservation Officer had made a judgement, which might differ from the views of Mr Peacock, but the Committee would take all views into account in reaching a decision.

Applicants' Submission

15. The Clerk read out the representation. Mr Bennett was invited to join the meeting and Members questioned Mr Bennett as follows:
16. Councillor Vickers noted that the extension would be visible from the adjacent public footpath. He asked whether the hedge would be retained, since this would largely obscure the extension. Mr Bennett confirmed their intention was to retain the hedge, which would be replanted if it had to be removed as part of construction work.
17. Councillor Hilary Cole asked if the proposed extension had been discussed with the objectors at Hollytree Cottage. Mr Bennett indicated that they had mentioned their plans to extend when they moved in, but the response had made it clear that there may be some difficulties. He considered that it was anticipated that it would have been difficult to reach a consensus on any extension with the residents of Hollytree Cottage.
18. Councillor Benneyworth asked whether steps had been taken to minimise overlooking. Mr Bennett stated that there was no prospect of overlooking. He confirmed that two out of the three windows on the second floor would be skylights in the roof, with the remaining window not overlooking any other property. The ground

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floor windows would only look into their own garden with screening provided by a high hedge and fence. He stated that the extension had been situated so as to minimise disruption to neighbours, and be as considerate as possible.

19. Councillor Benneyworth asked if the applicant would be open to a condition on outside lighting to protect the dark skies. Mr Bennet indicated that he would not want to do anything to compromise the dark skies in the area.
20. The Chairman asked for further detail on whether the skylights, for example would they be obscured or openable. Mr Bennet did not have the details, but indicated that at least one would probably be openable, but would not give concern in terms of overlooking.

Ward Member Representation

21. Councillor James Cole in addressing the Committee raised the following points:
 - Fellow Ward Member, Councillor Claire Rowles had been unable to make a site visit and so would not be commenting. As was often the case in this area, a site visit could make a difference.
 - The neighbour's objections referenced the Council's policies. The evidence offered was overwhelming.
 - The photographs shown in the report were provided by the applicant and immediate neighbour.
 - Photographs showed the property to the north of Hollytree Cottage, but it was not clear as to how these were relevant to this application.
 - What was not presented was the view on arrival, which showed that Gallants View was set higher than Hollytree Cottage by 0.5 to 1m, which had implications for loss of light in winter and overlooking.
 - The photos selected did not show the view from Hollytree Cottage garden. The proposed windows on the side of the extension could impinge on the privacy of the garden since the angle would not be oblique enough to prevent this.
 - The extension to Bridgemans had been reduced to a single storey extension which did damage the view but did not damage privacy, and since this cottage was to the north, it had no impact on the light for Hollytree Cottage. However, it was different for this application.
 - Reliance on photos during the pandemic was problematic when the selection is solely down to officers who were not allowed visit the site and could therefore not see the full picture.
 - The boundary with Hollytree Cottage was screened by a tall, mature hedge, which had been allowed to grow out and was thin lower down. This hedge could not be relied on for long-term screening.
 - Issues had not been obvious to the Parish Council at first sight. When further information had been provided, there was legal justification for the Parish Council to change its mind and object on grounds of overlooking, privacy and loss of light.
 - Inkpen has a dark skies policy, so restrictions on external lighting should be sought if this application were approved.
 - Councillor James Cole also suggested that if approved, the Committee should require obscured glass for the side windows.

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Member's Questions to the Ward Member

22. Councillor Abbs expressed surprise at the lack of evidence provided by officers and asked if the photographs on page 125 of the pack had been provided by the residents of Hollytree Cottage. Councillor James Cole confirmed that this was the case, however he was surprised by those that had been selected by officers as they did not show the problem.
23. Councillor Abbs asked how many photos were missing. Councillor James Cole was unable to answer. From visiting the site he had seen that there was a height difference of 0.5 – 1m between the properties, but was unable to submit a photograph showing this.

Member's Questions to Officers

24. The Chairman asked about site visits and the photographs. Mr Till explained that government had placed a duty on officers and committees of the council to go about planning business in the best possible way, taking account of the emergency situation with the pandemic. The consensus was that planning could continue effectively, but as part of the measures to protect the safety of officers, Members and the public, site visits should not go ahead. Officers used photographic evidence, plans and information provided by the applicants and other interested parties to assess planning applications. He refuted the suggestion that it was not possible to make an assessment of the application on the basis of the information supplied. He confirmed that the case officer had provided a selection of photographs taken from viewpoints considered to be most important in terms of evidencing the impact of the proposed development. He displayed a photograph from the pack, which served to show the height difference between Gallants View and Hollytree Cottage and disagreed that it was not possible to accurately carry out an assessment of the site. He felt that the case officer had provided a comprehensive set of information that allowed Members to make a determination. The case officer had obtained permission from the objectors to publish all the photographs they had provided and these were put on the Council's website.
25. The Chairman asked if it was fair to the case for photographs not to be attributed to the objector. Mr Till explained that planning officers tried to present a well-rounded overview of issues for Members. He did not consider the objector's photos to be biased in any way, since they could have been taken if a site visit had been made, so it was reasonable to include them.
26. Councillor Jeff Cant asked if the view from a public footpath was a relevant planning consideration. Mr Till stated that as this site was in the North Wessex Downs Area of Outstanding Natural beauty public views were important, including those from public rights of way.
27. Councillor Cant suggested that the views from the footpath were less important than from the road, and asked about the Parish Council's view. Mr Till confirmed that the views from the footpath were of equal importance to other views. He explained that the Parish Council had initially submitted a response of no objection, but the clerk had advised that a second vote had been taken, but had yet to be minuted, which was reported in their revised response objecting to the application.
28. Councillor Benneyworth asked about overlooking. Mr Till stated that there were two windows for the bathroom and bedroom that would face north. He displayed a plan showing the extension and indicated that the bedroom window would have a limited view across the neighbouring property and would not overlook any of its windows. He noted that it would somewhat overlook the private amenity space of Hollytree

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Cottage. He suggested that if Members had concerns, then a condition could be imposed requiring the glass to be obscured and fixed shut unless the windows were more than 1.7m above the floor of the room. However, his professional view was that the degree of overlooking would be very limited.

29. Councillor Benneyworth asked for confirmation that there was not window-to-window sight lines. Mr Till confirmed that there was none on either side of the extension.
30. Councillor Abbs asked for the distance between the ridge of the proposed extension and Hollytree Cottage. Mr Till estimated it to be approximately 10-11m.
31. Councillor Abbs noted that there was no shadow diagram provided, but he had used an online tool (findmyshadow.com) to look at the impact over the winter months. This showed a shadow length of 25-30m, which would shade large parts of Hollytree House and its garden. He suggested that the loss of light could be a significant factor. Mr Till explained that a year-round light assessment was often requested. He noted that shadows cast in winter were generally long, but a building control assessment would be on the basis of levels of light throughout the whole year. He confirmed that it was common for buildings that were side-by-side to have some level of shading, but in this case it would not affect levels of light reaching windows in the rear of the property. He suggested that the main impact would be on light levels in the garden during the winter months when it would be somewhat less used.
32. Councillor Abbs referred to the photographs on page 125, which appeared to show a view that would be blocked by the extension. Mr Till disagreed. He conceded that part of the extension would be visible, but mainly the single storey part. Councillor Abbs noted that the photos had been provided by the objector rather than from a site visit.
33. Councillor Carlyne Culver noted conditions on page 112 requiring new brickwork to match the existing brickwork. She asked if similar requirements could be imposed on other materials and the windows. Councillor Hilary Cole noted that details had to be submitted for approval. Councillor Culver indicated that there was a requirement for the brickwork to be matching, but not any of the other materials or windows. Mr Till indicated that conditions could be varied to achieve this.
34. The Chairman noted that the Parish Council had the opportunity up to 48 hours before the meeting to make a submission to the Committee, but had not done so. Mr Till confirmed this was correct.

Debate

35. Councillor Vickers opened the debate. He stated that he had visited the site and felt the decision to be quite balanced. Although it was a large extension, he could accept its subservience to the main building. He suggested that it would change the character of the area somewhat, but it was not a listed building, and he would follow the Conservation Officer's advice. He suggested including the additional condition relating to the windows. With regards to lighting, he noted that the hedge between the two properties would shadow a large part of the neighbour's garden and he suggested that the extension would not make a significant difference because it was further away. Similarly, he did not feel that the view would be sufficiently obscured to refuse the application. Furthermore, he felt the view from the public footpath would be acceptable and if the hedge were removed, this could help to widen the path at its narrowest point. He also noted that the hedge was not in a good state and replanting would be covered by the arboricultural condition.
36. Councillor Abbs suggested that there would be impact in terms of shadowing from October to March. He noted that the lack of data required the Committee to make

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- assumptions. He indicated that he would have accepted a single storey extension, and that the difference in ground levels accentuated the height of the ridge. He concluded that he was unwilling to accept the proposed development due to the significant overshadowing impact on the neighbouring property. He noted that a shadowing study would have allowed the Committee to make a better informed decision. He proposed to defer the application until better information was provided.
37. Councillor Hooker asked if there was a seconder for the proposal to defer. The proposal was not seconded.
 38. Councillor Cant noted that the Parish Council had chosen not to make a representation, which suggested they did not have strong views. He proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Barnett.
 39. Councillor Benneyworth noted that it was an historically important part of Inkpen and so the Conservation Officer's report was important. He suggested that homes needed to be fit for modern use. He felt that the proposal would bring the house up to modern standards and supported the Officer's recommendation.
 40. The Chairman asked about the condition that had been proposed in relation to the windows being closed and obscured, and suggested that the bathroom window could have restricted opening to aid ventilation.
 41. Mrs Sharon Armour confirmed that the proposal could be amended if the proposer and seconder agreed. Both parties agreed. Simon Till noted that the window was a roof light and suggested that the condition restrict the amount it could be opened to 20cm.
 42. Councillor Culver asked that the condition be amended to ensure materials and windows match the existing with white window frames back and front.
 43. Councillor Benneyworth asked for a condition relating to dark skies and also asked if permitted development rights could be removed. Mr Till indicated that a condition could be imposed requiring details of any external lighting for the extension to be submitted and approved, including a lux plan with detailed levels and lighting types. He indicated that removal of permitted development rights was addressed in Condition 10 in respect of extensions and outbuildings.
 44. Councillor Hilary Cole highlighted emerging policies in the Local Plan regarding dark skies, which should reassure members.
 45. The proposer and seconder confirmed they were happy to support the proposed amendments to conditions.
 46. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Barnett 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. Commencement of Development

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

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Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved Plans

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

1984-100B (Site Location and Block Plan), 1984-103A (Proposed Floor and Roof Plans, Elevations and Section) and Existing Floor Plans, Elevations and Section A (Rev A) received 10th November 2020

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

3. Samples of Materials

No above ground level development shall take place until a schedule of all materials and finishes visible external to the building, including roof tiles, ridge and hip tiles, bricks, and timber cladding, have been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006- 2026).

4. New Brickwork to Match Existing

All new facing brickwork, including works of making good, shall match the existing brickwork in terms of bricks (size, colour and texture); mortar (mix, colour and texture); joint profile; and bond.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006- 2026).

5. New Windows / Areas of Glazing and Doors

No works to window/door/roof openings shall take place until detailed plans and specifications of such works have been submitted to and approved in writing by the Local Planning Authority. Such details shall include materials and finishes, at a minimum scale of 1:20 and 1:2. The windows/areas of glazing/external doors shall be installed in accordance with the approved details.

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

6. Eaves / Fascia

No works shall take place to the roof until full details of the eaves and fascia, at a minimum scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework

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(February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

7. Rooflights

Rooflights are to be conservation type, fitted flush with or below the roof covering. The rooflights shall be installed in accordance with the approved details.

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

8. Tree Protection Scheme

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

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

9. Arboricultural Method Statement

No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

10. Permitted Development Restriction (Extensions/Outbuildings)

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, reenacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14

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and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006) and the Town/Village Design Statement for Inkpen.

11. Hours of Work (Construction)

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

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

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers, and in the interests of preserving the strong sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), and Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026).

Informatives

1. NPPF

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

2. CIL

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

3. PROW

The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.

4. Visitors to be made aware of PROW

The applicant is advised that all visitors to the site should be made aware that they would be driving along a Public Right of Way. As a result they should drive with caution when manoeuvring into and out of the site and should give way to pedestrians, cyclists and equestrians at all times.

5. No encroachment on PROW

Nothing connected with either the development or its construction must adversely affect or encroach upon the Public Right of Way (PROW), which must remain available for public use at all times. Information on the width of the PROW can be obtained from the PROW Officer.

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6. PROW notification (services)

The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.

7. PROW Levels

Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the Public Right of Way, to a specification to be agreed with the Local Planning Authority prior to development commencing.

8. 21 days notice

The applicant is advised to give the Local Authority 21 days notice prior to the development commencing. Before the development starts, the Local Authority must obtain from the applicant a written undertaking that they will meet any costs incurred by the Local Authority in the repair of the surface of the Public Right of Way, as a result of construction traffic using the route.

9. No alterations to PROW surface

No alteration of the surface of the Public Right of Way must take place without the prior written permission of the Rights of Way Officer.

10. Risk Assessment

I would like to add that the footpath (Inkpen 14/1) appears to be heavily used and due to the tight nature of the site and only a fence panel and hedge line between the proposed building site and the footpath, please ensure that users of the footpath are included within developments' risk assessment. For example,- protection from noise, dust, fumes, impact (from debris or digger/crane arms) and objects falling from height (tiles during roofing for example). Appropriate warning and prohibition signage would also need to be present for footpath users to see.

11. Site Access

It looks like site access will be up the drive and around the northern side of the property, but in the event access plans result in footpath use for access- Please remember footpath user safety in the risk assessment.

12. Damage to footways etc.

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.

13. Damage to 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.

47. Appeal Decisions relating to Western Area Planning Committee

There were no appeal decisions relating to the Western Area.

(The meeting commenced at 6.30 pm and closed at 8.50 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/00114/COND1 Newbury Town Council	17 th March 2021	Approval of Details reserved by Condition 5 (Phasing Programme of Works) of Approved Application 19/00891/OUTMAJ - Section 73: of Condition 6 - Phasing of previously approved application 18/01553/OUTMAJ: Section 73: Variation of conditions to allow for the development to be phased as detailed in submitted schedule of appeal reference APP/W0340/W/14/3002040. (12/00772/XOUTMA). Land Off Faraday Road and Kelvin Road Newbury Faraday Development Ltd

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/00114/COND1>

Recommendation Summary: Approval

Ward Members: Councillor Jeff Beck
Councillor Jeff Cant

Adjacent Ward Members Martha Vickers
Andy Moore

Reason for Committee Determination: 10 or more objections have been received

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: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 This application seeks approval of conditions reserved by condition 5 (Phasing Programme of works) of previous permissions (which are set out in the planning history below) which granted planning permission relating to the phasing of the development for the approved mixed use redevelopment comprising approximately 26,554sqm (gross external) of floor space providing offices (B1), retail (A1), Financial and Professional Services (A2), hotel (C1), restaurant (A3), hot food takeaways (A5) motor dealership and residential apartments (160 units including 48 affordable) together with 330 car parking spaces, new junction on to A339, site access and ancillary development, on land at Faraday Road, and Kelvin Road.
- 1.2 The site is within the Faraday Road commercial area and consists of a range of light industrial buildings, retail and sui generis uses.
- 1.3 This application is seeking to discharge condition 5 of the approved outline planning permission 19/00891/OUTMAJ. That condition stated;

“No development shall commence until a phasing programme of works has been submitted to and approved in writing by the Council. Each phase shall indicate the location and number of affordable units to be provided on site. The development shall then be carried out in strict accord with this phasing plan, unless otherwise agreed in writing by the LPA. For clarity this relates to the whole scheme as approved, not just the dwellings.

Reason: To facilitate the implementation of the scheme in accord with the advice in the National Planning Policy Framework and enable the delivery of affordable housing concurrently with development of the scheme in accordance with the requirements of Policy CS6 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

- 1.4 This application is seeking to discharge that condition and has provided a phasing plan, which indicates the proposed phasing of the development as follows;
- Phase 1: Access via Kelvin Road, initially to serve as the works access.
 - Phase 2: Residential Blocks H & I to the north of the site, which includes a total of 18 of the approved affordable units.
 - Phase 3: Mixed retail and residential block A, residential blocks B, C and D, Office block G, car dealership J and the access to Faraday Road, and the access in Fleming Road to join the access from Kelvin Road (built in phase 1). This will provide 30 of the approved affordable units.
 - Phase 4 Office Block E and Apart Hotel Block F

2. Planning History

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

Application	Proposal	Decision / Date
12/00772/XOUTMA	Renewal of Application 08/01255/OUTMAJ -	Refused 28/08/2014

	Mixed use redevelopment comprising approximately 26,554sqm (gross external) of floor space providing offices (B1), retail (A1), Financial and Professional Services (A2), hotel (C1), restaurant (A3), hot food takeaways (A5) motor dealership and residential apartments (160 units including 48 affordable) together with 330 car parking spaces, new junction on to A339, site access and ancillary development.	Appeal Allowed 01/02/2016
18/01454/MDOPO	Application to modify planning obligation of planning application 12/00772/XOUTMA allowed on Appeal.	Approved 14/12/2018
18/01553/OUTMAJ	Section 73: Variation of conditions to allow for the development to be phased as detailed in submitted schedule of appeal reference APP/W0340/W/14/3002040 (12/00772/XOUTMA).	Approved 14/12/2019
19/00278/RESMAJ	Application for the Approval of Reserved Matters relating to the appearance, landscaping and layout of the development approved under outline planning permission 12/00772/XOUTMAJ, allowed on appeal reference APP/W0340/W/14/3002040 as varied by application 18/01553/OUTMAJ.	Approved 31/05/2019
19/00891/OUTMAJ	Section 73: Variation of Condition 6 - Phasing of previously approved application 18/01553/OUTMAJ: Section 73: Variation of conditions to allow for the development to be phased as detailed in submitted schedule of appeal reference APP/W0340/W/14/3002040. (12/00772/XOUTMA).	Approved 11/07/2019
19/02095/NONMAT	Non material amendment to approved 19/00891/OUTMAJ - Amendment - the addition of a new condition to the list of approved drawings.	Approved 16/09/2019

3. Procedural Matters

- 3.1 This is an application for the discharge of a condition of a previously granted planning permission and not an application for planning permission, and so the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 do not apply to this application.
- 3.2 This is an application for approval of details reserved by condition and Part 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 does not include any requirement for publicising the application.

- 3.3 The Community Infrastructure Levy (CIL) liability has been confirmed through the reserved matters application 19/00278/RESMAJ.

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.

Housing Development Officer	We would expect to see the full requirement of affordable housing to be delivered in each phase of the development.
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Public representations

- 4.2 Representations have been received from 14 contributors, none of which support, and 14 of which object to the proposal.

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

- It is part of a phased development and should have had an Environmental Impact Assessment
- Concern about overflowing from the Northbrook Stream into the London Road Industrial Estate, and lack of holistic drainage plan
- There should be an overall final plan for the London Road Industrial Estate which is subject to full public consultation and then agreed, as there is so much uncertainty about the number of houses, and the football ground.
- Object to the loss of the football ground and concerns about potential replacement site
- Insufficient information available to accurately assess the phasing together with the legal implications regarding infrastructure and land use.
- Development of Newspaper House site was refused planning permission and dismissed on appeal due to flood risk (19/01281/OUTMAJ and APP/W0340/W/20/3252212). The appeal decision referred to a wider aspiration for the London Road Industrial Estate and said that the Inspector was unaware of an adopted policy, master plan or development plan document referring to the area.
- The planning conditions of 19/00981/OUTMAJ & the appeal decision APP/W0340/W/14/3002040 require that a drainage strategy is submitted for approval, development accords with the approved Flood Risk Assessment and a surface water drainage scheme is submitted for the development.
- The drainage for each phase of this site should be considered as part of the wider drainage for the London Road Industrial Estate.

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.

- Policy CS6 of the West Berkshire Core Strategy 2006-2026 (WBCS).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Obligations SPD (2015)

6. Appraisal

6.1 The main issue for consideration in this application is:

- Whether the proposed phasing delivers affordable housing concurrently with the whole scheme

Principle of development

6.2 The principle of the development on this site was established through the granting of outline planning permission (planning permission reference 12/00772/XOUTMA, appeal decision APP/W0340/W/14/3002040). There were subsequent amendments to the outline permission and the reserved matters application was approved in 2019 (19/00278/RESMAJ). This application is one of many pre-commencement conditions to 19/00891/OUTMAJ, and the matter to be considered is whether the proposed phasing plan delivers the affordable housing across the phases of the development.

Provision of Affordable Housing

6.3 Condition 5 of 19/00891/OUTMAJ requires that before development commences on site that a phasing plan is submitted to an approved in writing by the planning authority. The submitted phasing plan is required to show within each phase the location and number of affordable units which are to be provided on the site, and then the development is to be carried out in accordance with that plan. The outline permission established that 48 of the 330 units would be affordable. The reason for the condition is to ensure that the delivery of the affordable housing takes place within each phase of the development in accordance with policy CS6 of the Core Strategy.

6.4 The phasing plan indicates, that stage one of the development is the initial access road from the north off Kelvin Road, and this will provide the site access for the other phases, and shows the location of the building compound in the centre of the site, which will be developed in phase 4. Whilst no affordable houses will be provided within this phase, this is a very short phase which only provides part of the overall site access, and none of the commercial or residential aspects of the development will be commenced in this phase.

6.5 Phase two of the development proposed the construction of the residential block to the north of the development, and within this phase a total of 18 affordable units out of 61 units in this phase, and the locations of the affordable units has been indicated, within both blocks and this is acceptable.

6.6 Phase 3 of the development is the largest phase of the development, and includes the mixed retail and residential block A, Residential Blocks B, C and D, the office block and

the car dealership, and the final sections of the access road, with the access from Fleming Road to join the previously constructed access and the access from Faraday Road. This phase provides the remainder of the market housing (239 units) and affordable housing (30), with the location provided of each of the affordable housing units which will be spread across each of the residential elements of this phase of the development. This phase also delivers a large part of the commercial elements of the development, through the construction of the retail unit, the office block and car dealership. This is considered to be acceptable as the residential development includes affordable housing in each block of housing, and the site delivers the business elements of the scheme, which are a vital part of this regeneration scheme.

- 6.7 The final part of the scheme proposed the construction of the office block and the Apart-hotel, and this phase does not include any residential development and so no affordable housing. Whilst it is regretted that the final phase will be constructed after the residential part of the scheme, it is seen that this may be practical due to the siting of the compound on this part of the site. The large part of the housing development and commercial parts are both contained within part 3 and the phasing plan delivers the required levels of affordable housing to meet the requirements of policy C6, and also delivers the commercial elements of the scheme which are a vital part of this approved mixed use development within the protected employment area.

Other Matters

- 6.8 The objections raised to this application have referred to a lack of Environmental Impact Assessment submitted with the outline application. However before the outline application was submitted there was a formal screening of the proposal under the Environmental Impact Assessment Regulations 2011 to assess whether an Environmental Statement would be required, and a decision was issued on 30th March 2012 which concluded that an Environmental Statement was not required. The outline application was subsequently submitted and approved following an appeal, and it is the conditions relating to that permission which are being considered.
- 6.9 The objections have made reference to the lack of a drainage strategy over the site, and the need for drainage to be considered at each stage. As referred to in one of objection letters, conditions 9 and 11 of permission 19/00981/OUMAJ also require before any phase of the development to be commenced approval of the drainage strategy, and the surface water drainage system to be submitted and approved. No application to discharge these conditions has yet been submitted, and so the development cannot commence until these details have been submitted and approved. Condition 10 requires that development is carried out in accordance with the approved Flood Risk Assessment, and also a further mitigation measure which specified a limit on the surface run-off from the site. The matters relating to the drainage strategy and flood risk are not relevant to this discharge of conditions application, and will need to be dealt with under a separate application before any phase of the development begins on site. The appeal on the Newspaper House site (19/01281/OUTMAJ) was also referenced, and made reference to the Inspector's comment that there was no adopted plan, strategy or development plan document for the area that he had been made aware of. This comment was made in the context of the sequential test that was required for that particular proposal, and does not have any relevance to this particular application which is seeking approval of matters required by condition of an extant planning permission.
- 6.10 There were also comments made about the football ground. The football ground is outside the application site, and is not relevant to this discharge of conditions application.

7. Planning Balance and Conclusion

- 7.1 The details submitted within the application have indicated each phase of the development, and the provision of affordable housing within each phase. The phasing scheme submitted has met the requirements of the condition, and the affordable housing can be delivered in phases across the site to meet the requirements of policy C6.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT APPROVAL OF THE SUBMITTED DETAILS subject to the conditions listed below.

Conditions

1.	<p>Condition 5 : Phasing</p> <p>The details submitted in relation to Condition 5 of planning permission reference 19/00891/OUTMAJ are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice, and in accordance with the following approved details:</p> <ul style="list-style-type: none">i. Covering letter dated 19th January 2021, received on 20th January 2021;ii. Development Description Addendum received on 27th January 2021iii. Site plan Drawing No RL14/P3/15 Rev A received on 20th January 2021;iv. Location Plan Drawing No RL14/P3/31 received on 20th January 2021;v. Phasing Plan Phase 1 Drawing No RL14/P3/40 received on 27th January 2021;vi. Phasing Plan Phase 2 Drawing No RL14/P3/41 received on 27th January 2021;vii. Phasing Plan Phase 3 Drawing No RL14/P3/42 received on 27th January 2021;viii. Phasing Plan Phase 4 Drawing No RL14/P3/43 received on 27th January 2021; andix. Phasing Plan Phase 1 Drawing No RL14/P3/39 Rev A received on 27th January 2021
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Informatives

1.	<p>CIL</p> <p>The development to which these conditions relate, carries a liability to make a Community Infrastructure Levy (CIL) payment to the Council. You are advised to refer to the original approval documents and the associated Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
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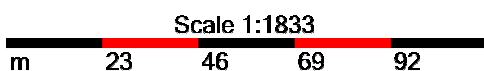


Map Centre Coordinates :

Scale : 1:1832

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 March 2021
SLA Number	0100024151

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Site Land Off Faraday Road and Kelvin Road

Photographs for Western Area Planning Committee

Application 21/00114/COND1



View of application site from A339/Fleming Road junction. (looking North)



of application site from A339/Fleming Road junction (looking north-east)



View of application site along Fleming Road towards A339 (looking west)



View of application site from Fleming Road/Faraday Road junction looking north-west)



View of application site from Faraday Road (looking west)



View of application site along Faraday Road (looking South)



View of Faraday Road/Kelvin Road Junction (looking South)



View of the application site across Kelvin Road (looking south)



View of application site from Kelvin Road (looking south)

Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	20/02039/FUL Enbourne	05/11/2020 ¹		Construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme. Land West Of Pumping Station, Enborne Row, Wash Water Charles Doherty

¹ Extension of time agreed with applicant until 25th March 2021

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02039/FUL>

Recommendation Summary: Approval

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

Reason for Committee Determination: More than 10 objections received

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: Cheyanne Kirby
Job Title: Planning Officer
Tel No: 01635 519489
Email: Cheyanne.kirby@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.
- 1.2 The application site is an agricultural field located to the northern bank of the River Enborne and the edge of the North Wessex Downs AONB, to the east is a pumping station and the northern boundary faces the main road Enbourne Row, Wash Water. The area is surrounded by scattered dwellings and agricultural fields.
- 1.3 The proposal is for the housing of two children's ponies which includes 2 loose boxes, tack room, feed/bedding store, hardstanding, 2 car parking spaces, manure skip and division of land into 3 paddocks with hedgerow and post and rail fencing.

2. Planning History

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

Application	Proposal	Decision / Date
	N/A	

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 12th October at the application site; the deadline for representations expired on 2nd November 2020. Evidence of this was submitted to the council.
- 3.3 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. 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.

Enbourne Parish Council:	Object – Previously promoted for residential use, approval will mean it will become brownfield land, site notice, address of applicant, welfare concerns, water supply, amount of land available, waste management, road safety.
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Basingstoke and Dean Borough Council:	No Objections
WBC Highways:	Conditional Approval
Public Protection:	No Objections
SUDS:	Conditional Approval
Environment Agency:	Conditional Approval
Minerals and Waste:	Comments Made
Trees:	No Response

Public representations

4.2 Representations have been received from 15 contributors, all of which object to the proposal.

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

- Previously promoted for residential use
- Approval will mean it will become brownfield land
- Site notice not displayed
- Address of applicant not in area
- Welfare concerns
- Water supply concerns
- Amount of land available for ponies
- Waste management
- Road safety
- Security
- Drainage/surface water run-off
- Contamination

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, CS12, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies ENV.29, OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

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 Systems SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highways
- Waste
- Other matters

Principle of development

6.2 The application site lies outside a defined settlement boundary, within the context of planning, the site is classified as being located within the countryside.

6.3 Planning Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates the site as being within the open countryside for planning purposes. Policy ADPP1 states that development in West Berkshire will follow the existing settlement pattern, and that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 The proposal is for the housing of two children's ponies which includes 2 loose boxes, tack room, feed/bedding store, hardstanding, 2 car parking spaces, manure skip and division of land into 3 paddocks with hedgerow and post and rail fencing.

6.5 Policy CS12 promotes equestrian related development proposals that strengthen the rural economy and offer increased opportunities for the enjoyment of the countryside in a sustainable manner. The policy goes on to say development associated with equestrian activities is in keeping with the location in terms of the scale, form, impact, character and siting.

Character and appearance

6.6 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.

6.7 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District by considering the natural, cultural and functional

components of its character as a whole. Particular regard will be given to the sensitivity of the area to change and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.8 Policy ENV.29 Development Involving Accommodation for Horses of the West Berkshire Saved Policies set out criteria in which applications should be considered when assessing equine applications;

(a) the proposed buildings have been designed to blend in with the rural surroundings; and

(b) the scale and location of such buildings and their use would not cause a material loss of amenity for the occupants of adjoining properties or other users of the countryside; and

(c) there is sufficient space provided for the ancillary storage of food stuffs, bedding, tack and related equipment on a scale appropriate to the number of horses being accommodated; and

(d) there is sufficient land being provided with the field shelter and / or stable to accommodate the number of horses; and

(e) the access to and from the public highway is in a location and form which would prevent any hazard to riders and other users of the highway.

Notwithstanding the above factors such buildings will be unacceptable if they appear to urbanise an attractive rural area or spoil a key view or vista.

6.9 The primary concern relates to criteria (d) and (e) of Policy ENV.29. The additional text for this policy states "Furthermore regarding criterion (d) the British Horse Society suggest a minimum of 0.6 hectares (1.5 acres) of pasture per horse is required". The application site is 0.37 hectares in size meaning that the site is below the British Horse Society suggest a minimum. Whilst the land available is below the suggest minimum the agent has provided details stating that the proposed scheme is for two children's ponies which need to have access to limited and carefully managed grazing as well as being supplemented with forage and hard feed in order to prevent life medical problems.

6.10 Criteria (e) looks at the impact on the highway, Enbourne Row is a classified C road of national speed limit therefore there is concern in regards to hazard to riders; however the access is located on a straight section of the road and therefore the visibility splays to access are clear, there are other equine developments within the area and a public right of way (ENBO/12A/1) located approximately 270m to the north-west which leads onto a public bridleway.

6.11 It has been considered that on balance the proposed scheme is considered acceptable as the equestrian development is small in scale and for private use there will also be additional landscaping which will be an ecological enhancement.

Neighbouring Amenity

6.12 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.

6.13 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.

6.14 Due to the location of the proposal and the distance from neighbouring dwellings there is not considered to be a signification impact on neighbouring amenity.

Highways Matters

6.15 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.

6.16 The details have been assessed by the highways officer and considered acceptable; conditions will be applied to the decision notice to ensure the access and parking is suitable and improve highways safety.

6.17 Flooding and Drainage

6.18 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 addresses issues regarding flood risk.

6.19 The application site falls mainly within Flood Zone 1 with the southern boundary Flood Zones 2 and 3 due to being close proximity to River Enbourne. A flood risk assessment has been submitted and the proposal has been assessed by the Environment Agency and the Council Drainage Engineer and has been considered acceptable and a condition will be applied to the decision notice.

Waste

6.20 The mineral and waste officer assessed the proposal and made the following comments;

6.21 According to the Government website: <https://www.gov.uk/farm-and-livery-horses/dealing-with-waste>, 'horse manure is not considered a waste if the following apply:

- it is used as soil fertiliser

- it is used lawfully for spreading on clearly identified pieces of agricultural land
- it is only stored to be used for spreading on agricultural land

6.22 If you store or spread horse waste near to water, it can be a health hazard and could harm the environment. You will need to follow rules on Nitrate Vulnerable Zones and follow rules on the pollution of groundwater'.

6.23 If the soiled bedding and manure is not used for one of the purposes stated above, then the applicant should ensure a requisite waste transfer permit is obtained from the Environment Agency before this activity commences.

6.24 **Animal Welfare**

6.25 Concerns have been raised in regards to the applicants address, the suitability of the land and the impact this may have on animal welfare; therefore the Environmental Health Animal Welfare Officer was consulted. Whilst there is concern in regards to animal welfare which has led to further consultation on this it is noted that animal welfare laws are not a consideration of the planning process. The Animal Welfare Officer raised concerns firstly in regards to the applicant address and the impact this will have on daily checks.

- 6.26 Secondly, the amount of land available for 2 equines and thirdly the suitability of the land due to proximity to the River Enbourne. The agent submitted a further justification statement on the 11th February 2021 by Kernon Countryside Consultants Limited to address the concerns raised by the Animal Welfare Officer. Firstly the concerns in regards to daily checks, the applicant lives 25miles away in Abingdon and intendeds to visit twice a day; the applicant is also seeking to move to a more local property. Secondly, concerns in regards to amount of land available the DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids states “As a general rule, each horse requires approximately 0.5 – 1.0 hectares of grazing of a suitable quality if no supplementary feeding is being provided. A smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout.” Less land will be provided however the equines will have access to stables and additional feed such as hay and hard feed to supplement the lack of grazing. The equines will also be stabled/have access to stables and would therefore not be grazed on the land full time. The consultant has highlighted that some equines require limited grazing due to health conditions such as laminitis which can be life threatening to some equines.
- 6.27 Thirdly the suitability of the grazing land due to its proximity to the River Enbourne; the land lies within flood zone 1 with some land within higher flood zones which would impact the grazing quality. The proposal includes a hardstanding area in which the equines can use when the conditions are not suitable for grazing. The consultant has stated that the equines would mainly be grazed when the conditions are suitable as wet and muddy ground conditions can caused mud fever and therefore it would be in the applicants best interests to keep the grazing well managed as well as for the equines wellbeing.
- 6.28 Given the justification submitted addressing the animal welfare concerns it would appear that through careful management that the land is suitable for small scale equine use therefore on balance the proposal is considered acceptable.

Other Matters

- 6.29 Comments have been raised in regards to submission of the site previously for residential use and that change of use of this land would lead to further development; the application has to assess on what has been submitted and relevant policies it would be unreasonable for the council to refuse the application on the potential future development. Any further development or change of use would have to comply with relevant planning policies at that time; equestrian development does not benefit from the permitted development rights as other uses.

7. Planning Balance and Conclusion

- 7.1 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. 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.
- 7.2 Whilst perhaps the proposal makes no significant contribution to wider social and economic roles of planning given the scale and nature of the development it is not considered to be harmful.
- 7.3 With regard to the environmental role contributing to protecting and enhancing our natural, built and historic environment is fundamental. The impact on the character and appearance of the surrounding area has been assessed as part of this application, and

it is considered that the proposal on balance would respect the prevailing pattern of development.

7.4 For the above reasons it is considered that the proposed development is supported by the presumption in favour of sustainable development.

7.5 For the reasons given above it is considered that the proposal on balance accords with the criteria of the National Planning Policy Framework and Policies ADPP1, ADPP2, CS12, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS), and Policies ENV.29, OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Full Recommendation

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

Conditions

1.	<p>Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Design and Access Statement dated August 2020 received 2nd September 2020; Block Plan 2515/3 received on 2nd September 2020; Proposed Elevations and Floor Plan 2515/2 received 2nd September 2020; Fencing Details 2515/4 received 10th September 2020; Location Plan 2515/1A received 10th September 2020; Section/Level 2515/5 received 10th September 2020; Grazing Land Justification pp20/280 received 30th November 2020; SUDS Construction Details 7751/07 received 14th December 2020; SUDS Drainage Strategy 7751/501A received 14th December 2020; Flood Risk Assessment and Drainage Strategy Issue 2 7751 received 14th December 2020.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials as Specified The materials to be used in the development hereby permitted shall be as specified on the application form.</p> <p>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 (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Supplementary Planning Document Quality Design (June 2006).</p>
4	<p>Parking/turning in accord with plans</p>

	<p>The use shall not commence until the vehicle parking have been surfaced, and provided in accordance with the approved plan(s). The parking shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>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).</p>
5	<p>Surfacing of access</p> <p>No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
6	<p>Environment Agency</p> <p>No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.</p>
7	<p><u>SUDS</u></p> <p>The development hereby permitted shall not be brought into use until the drainage measures identified in the submitted Report No. 7751 Issue No 2 and Drawing No. 7751/501A and 7751/07 have been implemented in accordance with the approved details. The drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CC1, CC2 and NRM4 of the South East Plan (May 2009), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
8	<p><u>Landscaping</u></p> <p>The approved landscaping detailed on the Block Plan 2515/3 received on 2nd September 2020, shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs or plants that</p>

	<p>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.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
9	<p>Private equestrian use only</p> <p>Irrespective of the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) (or an order revoking and re-enacting that Order, with or without modification), the application site area permitted shall only be used for private recreational equestrian purposes and shall not be used for any other purpose including commercial riding, breeding, training or liveries.</p> <p>Reason: In the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Supplementary Planning Document Quality Design (June 2006).</p>
10	<p>Number of horses</p> <p>No more than 2 horses shall be stabled on the site at any one time and additional horses shall not be bought onto the site at any one time.</p> <p>Reason: To limit the level of activity on the site as a means to protect the rural character of the area due to the limit amount of land available. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
11	<p>Use of stables</p> <p>No trade, business or commercial use of any kind shall be carried out from the stables and parking area permitted in this scheme.</p> <p>Reason: In the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

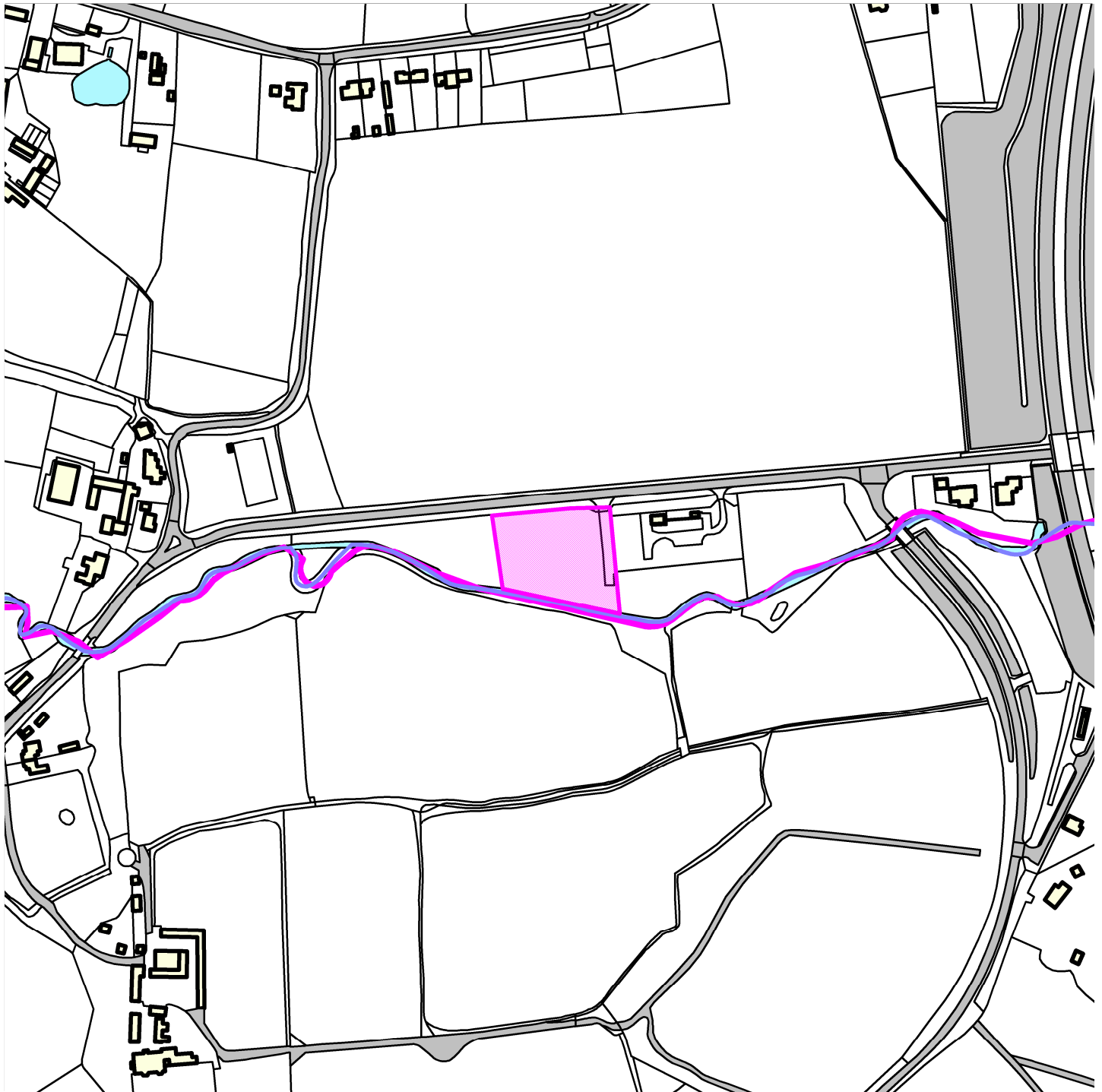
Heads of Terms for Section 106 Agreement

1.	<p>Affordable housing Detail</p>
2.	<p>Public open space Detail</p>

Informatives

1.	DEC3 - This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
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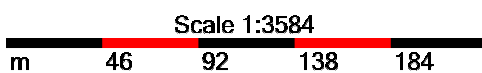
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 March 2021
SLA Number	0100024151



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Land West Of Pumping Station, Enborne Row, Wash Water

Photographs for Western Area Planning Committee

Application 20/02039/FUL



view of application site (Google Earth)

West of Pumping Station

1st July 2019

Page 63



Street view of application site (Looking West)

1/30 m

West of Pumping Station

13th July 2019



Page 64

Street view of application site (Looking South)

West of Pumping Station

1st July 2019



Page 65

Street view of application site (Looking East)

1.64 m



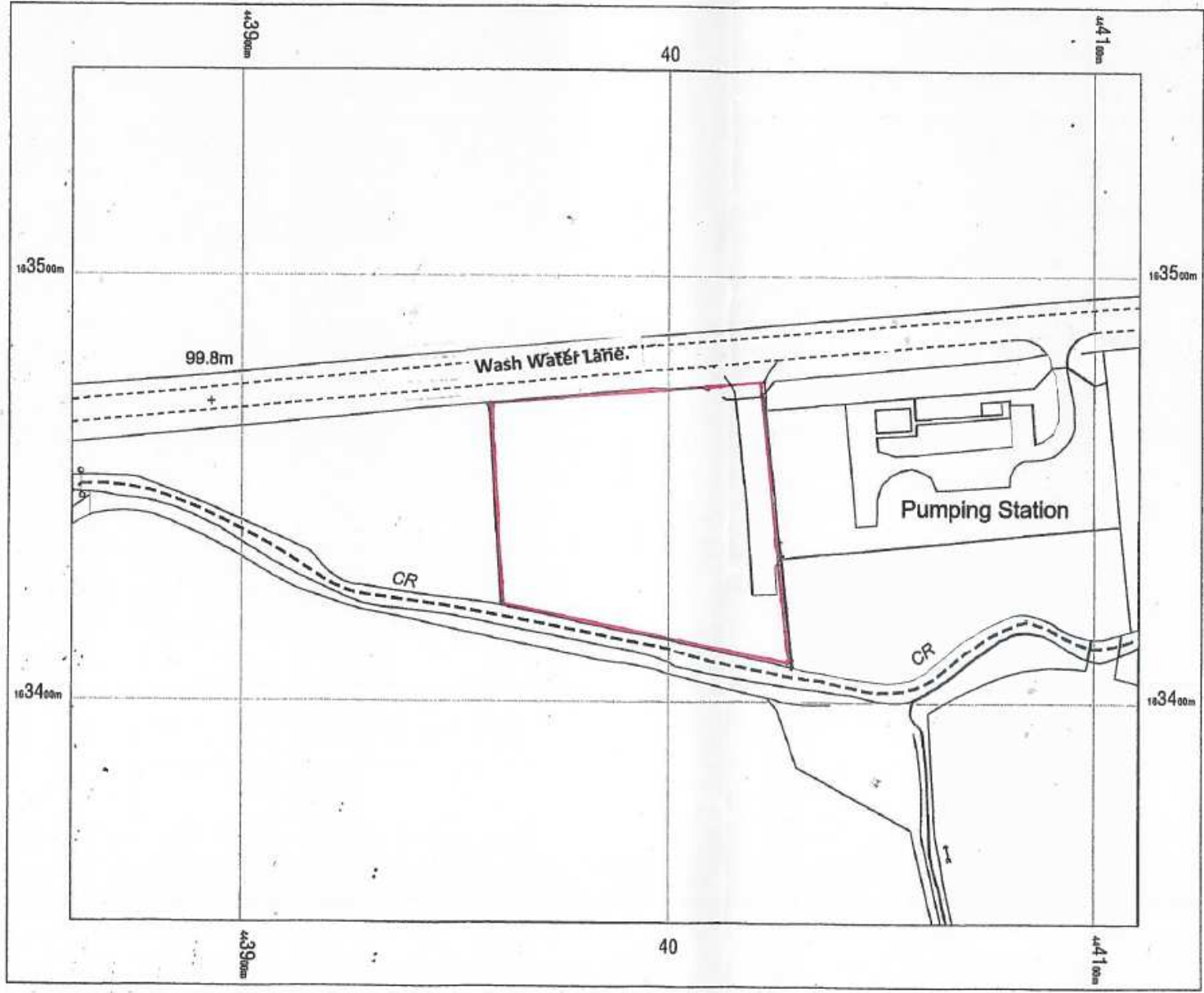
Page 66

of site from access gate (March 2021)



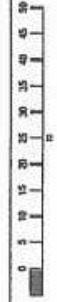
of site from north side of road (March 2021)

Land at Enbourne Row



Land at Enbourne Meadows
 Wash Water Lane, Enbourne,
 Newbury, Berks. RG20 0NA.

Drg. No: 2515/1A.
 Scale: 1 : 1250.
 Date: 4.9.2020.



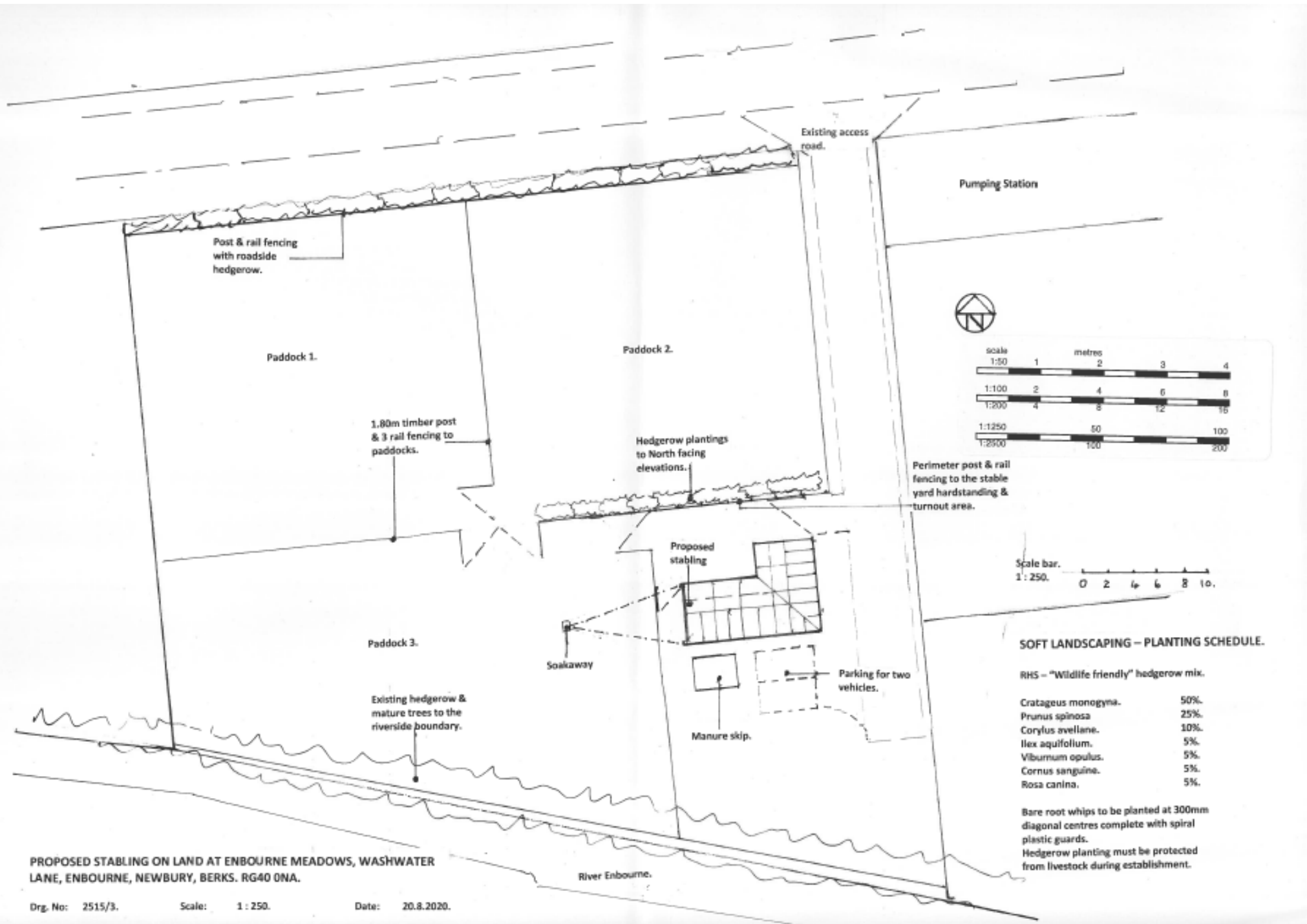
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PROPOSED STABLING ON LAND AT ENBOURNE MEADOWS, WASHWATER LANE, ENBOURNE, NEWBURY, BERKS. RG40 0NA.

Drg. No: 2515/3. Scale: 1: 250. Date: 20.8.2020.

SOFT LANDSCAPING – PLANTING SCHEDULE.

RHS – “Wildlife friendly” hedgerow mix.

<i>Crataegus monogyna.</i>	50%.
<i>Prunus spinosa.</i>	25%.
<i>Corylus avellane.</i>	10%.
<i>Ilex aquifolium.</i>	5%.
<i>Viburnum opulus.</i>	5%.
<i>Cornus sanguinea.</i>	5%.
<i>Rosa canina.</i>	5%.

Bare root whips to be planted at 300mm diagonal centres complete with spiral plastic guards.
Hedgerow planting must be protected from livestock during establishment.

Proposed Elevations, Floor Plans and Roof Plans

**National
Timber Buildings**

1:100 Scale on A3
National Range Stables
Name: Charlie Docherty
Location: Eberne Meadows, Washwater.
Reference: LT
Date: 12/08/2020
Author: LT
Plan Number: 2515/2.

Additional Specification:
50x100mm Tanalised Treated CLS Framing at 600mm Centers

12x150mm Tanalised Treated Shiplap Cladding

12mm OSB Kickboards to 1.2m in Stables

50x125mm Tanalised Treated CLS Roof Purlins at 600mm Centers

9mm OSB Roof Lining

Black Onduline Roofing

1219mm Front Canopy

100mm Black Half Round Gutters and Downpipes to Front

Planked Stable Doors with 360mm Chewstrip

Ledge and Braced Planked Tack Room Door

Galvanised Steel Door Furniture

Galvanised Bar Stable Windows with Sliding Perspex Cover

2x Louvre Vents Per Stable

Checked by:

Client Signature:

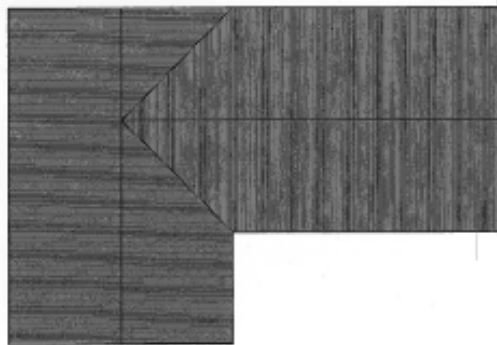
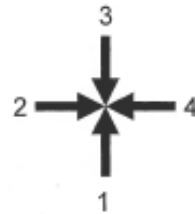
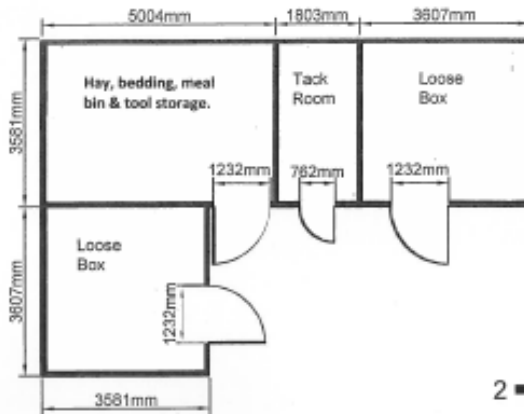


Figure 1



Figure 2

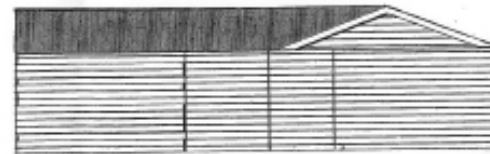
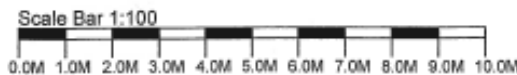


Figure 3



Figure 4



Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	18/03340/COMIND Greenham Parish	24 April 2019 ¹	Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) Newbury Racecourse, Racecourse Road Newbury Racecourse – Applicant

¹ Extension of time to be agreed

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

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

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

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

Committee Site Visit: 27th June 2019

Contact Officer Details

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

1. Introduction

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

2. Planning History

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

Application	Proposal	Decision / Date
09/00971/OUTMAJ	Outline planning permission for redevelopment of racecourse to include [inter alia] the new hostel.	Approved April 2010
11/00723/RESMAJ	Western area - erection of 421 dwellings with associated works and access.	Approved October 2011
11/01505/RESMAJ	Erection of 123 bedroom hotel, hostel, nursery, offices, refurbishment of stables and access.	Approved November 2011
14/03109/OUTMAJ	Application to vary the original outline consent to allow up to 250 dwellings to be constructed prior to opening of bridge (most recent permission for entire site).	Approved February 2016
15/03152/COMIND	Change of use of hostel (Sui generis) as a hotel (C1) for up to 305 days per year for a temporary period of up to 3 years.	Approved March 2016.
21/00348/NONMAT	Non Material amendment to planning permission 14/03109/OUTMAJ: Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement	Approved 5th March 2021

	golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings. Amendment: Wording of condition 3 to clarify how the original planning permission has been implemented on the ground in terms of phasing.	
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3. Procedural Matters

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

4. Consultation

Statutory and non-statutory consultation

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

Greenham Parish Council:	<p>Objection. This application has raised a number of objections from residents - mainly those living in Horsewalk, which is very close to The Lodge. It is felt that the original consented use purely as overnight accommodation for 'lads' prior to/on race days (only about 25 a year) was acceptable but that the temporary extension of use of the considerable spare capacity as a hotel (mainly on race days) was a different matter. If this is to be extended permanently, with the 'quid pro quo' being the unilateral cancellation by Newbury Racecourse of its plans for a hotel on a more suitable site well away from residential homes, GPC objects on the basis that this has been shown to cause harm to amenity of residents.</p> <p>GPC to write to the British Horse racing club – in contravention of their rules.</p>
Newbury Town Council	<p>Objection. The Racecourse should be required to build the original hotel, as previously approved. Affected neighbours have not been sufficiently consulted, and their concerns have not been sufficiently addressed. This proposal will cause duress to nearby residents, with issues re noise, access and egress. The present planning permission requires that the hostel should be reserved for the use of stable lads for at least 60 days per year.</p> <p>If the application is approved, the following actions should be taken: 1) The present cut off time for street lighting of 11 p.m. should be retained. 2) The Racecourse should maintain ongoing consultation with adjoining residents of the hostel, to minimise</p>

	inconvenience to them. 3) Suitable screening should be erected to shield neighbours from noise and light pollution from the hostel/hotel.
WBC Highways:	<p>The Lodge building was originally approved to house stables and racecourse staff. It was then in 2016 changed to a hotel use for 305 days per year for a temporary period of three years. The proposal is now to permanently have the building as a hotel throughout the year</p> <p>A hotel was originally planned within the Newbury Racecourse but it was to be on the eastern side of the development. If this ever goes ahead, this would need to be considered at that time.</p> <p>I am not aware of any traffic or highway difficulties with the existing use, and such issues does not seem to be mentioned much within the objection letters so far submitted. There does seem to be issues surrounding noise. I have much sympathy for this, but this is not a concern for the Highway Authority. I therefore I raise no objection to the proposal.</p>
Environmental Health	No objections but recommend conditions requiring noise management and restriction on operation of external lighting.
Archaeology	No objections.

Public representations

- 4.2 Representations have been received from 10 contributors, none of which support, and 10 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Overlooking and noise impacts on neighbouring residential properties;
 - Increase in traffic movements and parking requirements;
 - Concerns regarding the level of available accommodation for stable staff during race meetings;
 - Existing consent for a 123 bedroom hotel to the east of the site;
 - No sequential assessment of need for 2 hotels on the site in a non- town centre location;
 - Lack of development of approved 123 bedroom hotel would alter the appearance of the "heart space" of the racecourse development;
 - Use is incompatible with residential use;
 - Proposed works do not support the racehorse industry so are contrary to Policy CS12.

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

- Compliance with racehorse industry rules and standards;
- Impact of proposed change of use on property prices;

- Level of parking provision approved under planning permissions for residential development;
- No consideration of alternative uses for the lodge building if superfluous to need.

5. Planning Policy

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

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

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)

6. Appraisal

6.1 The main issues for consideration in this application are:

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

Principle of development & Amenity of neighbouring occupants

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

Alteration of the terms of the proposed S106 legal agreement

6.3 Members will recall that when resolving to grant conditional approval for the permanent change of use of the lodge to provide hotel accommodation a provision of the resolution to approve was that a Section 106 legal agreement be entered into with the Council to prevent development of the extant planning consent for a 123 bedroom hotel to the east of the "Heart Space" that formed part of the works approved reference

11/01505/RESMAJ. It is clear that this consent has been implemented as all other works to develop the “Heart Space” are substantially complete, including development of The Lodge itself. Since the Committee meeting on the 3rd July 2019 the applicants have met with officers to discuss the provisions of the legal agreement to be attached to the planning permission for this development, and have requested that officers consider an alternative agreement to take effect immediately upon the issuing of planning permission whereby a maximum limit of 123 hotel bedrooms is imposed across the entire racecourse site.

- 6.4 Officers have given consideration to this proposal and are of the view that it reasonably reflects the circumstances under which the principle of development has been accepted: the consented 123 bedroom hotel could currently be implemented without need for further planning permission; the proposed permanent change of use of the lodge and associated hotel extension would provide a total of 76 hotel bedrooms on the site. Therefore should a legal agreement secure a maximum of 123 hotel bedrooms across the site the racecourse would necessarily be prevented from developing the consented hotel until such a time as the lodge and extension ceased to be used as a hotel. However, should the provision of additional hotel bedrooms up to a maximum of 123 bedrooms across the site prove to be of commercial benefit the extant hotel planning permission would stand to be a material planning consideration in considering any application for these works, while if permission was sought for hotel accommodation that would exceed the agreed 123 bedrooms a planning application would need to be accompanied by a full sequential test to demonstrate the need and appropriateness of this use in a site outside of a town centre in accordance with the provisions of the NPPF. Since the main reasons that a Section 106 agreement is required are that planning permission only exists for up to 123 hotel bedrooms on the site and that the current application is not accompanied by a sequential test as required by the NPPF, it is the view of officers that the proposed terms of the legal agreement to limit the amount of hotel bedrooms to a maximum of 123 are proportionate to addressing what is necessary to control such development on the racecourse site without being unnecessarily restrictive or unduly prejudicing the consideration of future planning applications on the site by allowing the number of 123 hotel bedrooms already consented in the extant permission to remain as a material consideration, or for the applicant to revert to this permission by ceasing use of the Lodge and extension as a hotel.

Other matters

- 6.5 Members will recall that the resolution to approve was subject to an additional request from Members that the coffee shop/bar area within should continue to be available to the general public including local community groups for whom it provides a valuable amenity. Therefore, in consultation with Councillor Vickers, officers have agreed to recommend condition 4 (section 8, below) to secure the availability of this area.
- 6.6 Concerns have been raised regarding the details of the approved phasing for the racecourse development. As a result of these matters, officers have reviewed the approved phasing plan and identified that the hotel was numbered as phase 2 within the plan. In order to clarify the phasing in line with the racecourse’s intention not to develop the approved hotel at this time officers requested submission of a non—material amendment to include the hotel as the final phase of the approved development. In considering this application officers reviewed the materiality of this matter to the planning permission, noting that the main consideration in respect of phasing was to ensure the delivery of affordable housing. The associated Section 106 legal agreement was also reviewed and it was confirmed that the alteration to the phasing has not and will not prejudice delivery of the various items of affordable housing, highways infrastructure and public open space secured under that legal agreement. The non-material amendment to the phasing was approved on the 5th March 2021.

- 6.7 Concerns have been raised regarding delivery of the local centre for the development. While this matter is not contingent on any of the matters proposed under this application, in order to address these important concerns and due to the complex history of applications on the site officers have carried out a review of the planning history of the housing development associated with permission 14/03109/OUTMAJ, and have confirmed that the local centre, providing retail space for the housing development, is secured in the outline planning permission and has been approved under reserved matters permission 14/03377/RESMAJ. This secures that retail space (the local centre) is provided in two areas on the ground floor of blocks A4 and A5, which are located in the eastern part of the approved housing development. The delivery of the local centre and its location in the eastern part of the development is an important consideration for provision of the local centre given the significant distance of this part of the development from the town centre and associated retail provision.

7. Planning Balance and Conclusion

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

8. Full Recommendation

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

Conditions

1.	Vehicular accesses All vehicular access to the hostel/hotel shall be via the east from the new racecourse bridge as shown on location plan drawing reference 4385 SK20. At no time shall any traffic, including deliveries, be directed to arrive or leave via the western access through Stroud Green.
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	Reason: To ensure the amenity of residents in the western area are respected having regard to traffic movements in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.
2.	<p>External lighting</p> <p>The external lighting to the hotel shall be switched off no later than 11pm daily and shall not be operated before 7am.</p> <p>Reason: In the interests amenity of preserving the amenity of adjacent residential occupants in accord with policy CS14 in the West Berkshire Local Plan Core Strategy (2006 to 2026) 2012.</p>
3.	<p>Noise management plan</p> <p>Within 1 month of the date of this decision a noise management plan shall be submitted to the local planning authority, for written approval, that sets out how noise from the following sources will be controlled to protect residents living close to the site from noise and disturbance:</p> <ul style="list-style-type: none"> - Noise from guests and other users of the hotel. - Noise from people using the outside seating area to the west of the restaurant bar. - Noise from service vehicles and delivery operations. <p>The noise management plan shall also set out a timetable for the implementation of any works or other measures required and all works or other measures shall be undertaken in accordance with the approved timetable.</p> <p>Reason: To protect residential amenity in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.</p>
4.	<p>Availability of café/bar to public</p> <p>The café/bar area of The Lodge will be available for use by members of the general public for purchasing food and/or drink during normal opening hours (i.e. between the hours of 9am and 10.30pm), with the following exceptions:</p> <ul style="list-style-type: none"> - when there is a private function, which has exclusive use of The Lodge; or - when the café/bar area is otherwise closed. <p>Unless an alternative arrangement is submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure that the café/bar area remains available for general use by members of the public and community groups in accordance with the recommendations of the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, for new development to facilitate the provision of healthy, safe environments.</p>

Heads of Terms for Section 106 Agreement

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

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

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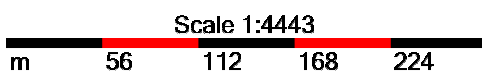


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Comments	Not Set
Date	08 March 2021
SLA Number	0100024151

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Newbury Racecourse

18/03340/COMIND















Agenda Item 4.(4)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(4)	19/00225/COMIND Greenham Parish	03 May 2019 ¹	Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms. The Lodge at Newbury Racecourse, Racecourse Road Newbury Racecourse – Applicant

¹ Extension of time to be agreed

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

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

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

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

Committee Site Visit: 27th June 2019

Contact Officer Details

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

1. Introduction

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

2. Planning History

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

Application	Proposal	Decision / Date
09/00971/OUTMAJ	Outline planning permission for redevelopment of racecourse to include [inter alia] the new hostel.	Approved April 2010
11/00723/RESMAJ	Western area - erection of 421 dwellings with associated works and access.	Approved October 2011
11/01505/RESMAJ	Erection of 123 bedroom hotel, hostel, nursery, offices, refurbishment of stables and access.	Approved November 2011
14/03109/OUTMAJ	Application to vary the original outline consent to allow up to 250 dwellings to be constructed prior to opening of bridge (most recent permission for entire site).	Approved February 2016
15/03152/COMIND	Change of use of hostel (Sui generis) as a hotel (C1) for up to 305 days per year for a temporary period of up to 3 years.	Approved March 2016.
21/00348/NONMAT	Non Material amendment to planning permission 14/03109/OUTMAJ: Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's	Approved 5th March 2021

	nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings. Amendment: Wording of condition 3 to clarify how the original planning permission has been implemented on the ground in terms of phasing.	
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3. Procedural Matters

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

4. Consultation

Statutory and non-statutory consultation

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

Greenham Parish Council:	Object. Objection: If extension is allowed GPC are concerned that this would take away any land, available for a community centre, which was part of the original Racecourse planning application.
Newbury Town Council	Objection / comment: This building was intended as a facility for racing staff on race days. This application will more than double its size and result in its full use throughout the year, which will greatly increase the disturbance to the 25 or so local residents located at about 20 metres distant. The 120-bed hotel intended in the Racecourse planning consent, to be located near the stands and so without these disadvantages, should be respected, and The Lodge should not be adopted as a substitute for it. Examples of other dual-function lodges at Racecourses quoted by the applicant (York and Chester) are located remotely from residential accommodation.
WBC Highways:	I refer to my previous response dated February 25 th 2019 and the response the applicant's agent Catherine Tyler from March 11 th 2019 [case officer's note, the email concerned was received 4 th March 2019]. I have also viewed objection letters submitted.

As stated previously, pages 6 of the TS provides detail of car parking surveys that were undertaken on October 25th and 26th 2018 that represented conditions on a race day and a non - race day. On a non - race day there is a significant amount of surplus car parking available. However, on race days, there is much less of a surplus. The TS then states that should the parking on the grass and gravel areas be managed more efficiently. However I do not consider that this is possible to secure. I am therefore concerned that there will not be sufficient levels of car parking on race days. Can more be done to resolve this issue?

In response, the applicants agent has stated that the “NRC already has a very effective parking management strategy in place, which is managed by a third party contractor and this ensures that available formal and informal parking areas are maximised as necessary...It is important to note that as the car park is managed by NRC, there is some flexibility as to how efficiently the car park is managed (i.e. how close cars park to each other etc), and as noted within the TA, on the race day observed, the current car park has the potential to accommodate up to 310 cars. It is in NRC’s interest to ensure that parking is managed appropriately and for the parking areas to operate efficiently. The TA notes that the peak demand for parking resulted in the equivalent of 36 vacant spaces on the race day observed. On that basis, a reduction of 16 car parking spaces as a result of the proposed development would still leave capacity for up to 20 vacant spaces available on a race day (which could be utilised if required, through the management of the car park on that day)”.

I consider that a 20 car parking margin is of concern for such a large facility. However, there is no evidence to suggest that there will be a shortfall in parking overall or that any shortfall will be extensive enough to raise objection.

The applicant’s agent then discusses sustainability issues and the areas accessibility to the train station, bus services etc. I do concur with this, but I also consider that that the majority of clientele will travel to the hotel by car. However as stated previously, page 13 of the TS details expected traffic levels that will arrive via Hambridge Road only. I have no concerns regarding traffic levels. Little or no increase is expected via Stroud Green. Some clientele could be dropped off near the hotel via Stroud Green, but I think numbers will be limited.

The proposal will need to comply with the Council’s Cycle and Motorcycle Advice and Standards for New Development November 2014. Will the hotel also have electric car charging points?

In conclusion, I have some concerns, but they are not sufficient to raise an objection. Conditions recommended requiring construction method statement, cycle storage, electric charging point details and parking provision.

Environmental Health	No objections but recommend conditions requiring noise management and restriction on operation of external lighting.
SuDS	No further comments received.
Thames Water	No objections on foul water infrastructure or surface water infrastructure; advise that there are mains crossing the site and building should not be on top of these; no objections on water network capacity.
Archaeology	No objections.

Public representations

4.2 Representations have been received from 11 contributors, none of which support, and 11 of which object to the proposal.

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

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

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

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

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate

otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

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

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

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

6. Appraisal

6.1 The main issues for consideration in this application are:

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

Principle of development, parking provision and impact on neighbouring amenity

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

Alteration of the terms of the proposed S106 legal agreement

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

- 6.4 Officers have given consideration to this proposal and are of the view that it reasonably reflects the circumstances under which the principle of development has been accepted: The consented 123 bedroom hotel could currently be implemented without need for further planning permission; the proposed permanent change of use of the lodge and associated hotel extension would provide a total of 76 hotel bedrooms on the site. Therefore should a legal agreement secure a maximum of 123 hotel bedrooms across the site the racecourse would necessarily be prevented from developing the consented hotel until such a time as the lodge and extension ceased to be used as a hotel. However, should the provision of additional hotel bedrooms up to a maximum of 123 bedrooms across the site prove to be of commercial benefit the extant hotel planning permission would stand to be a material planning consideration in considering any application for these works, while if permission was sought for hotel accommodation that would exceed the agreed 123 bedrooms a planning application would need to be accompanied by a full sequential test to demonstrate the need and appropriateness of this use in a site outside of a town centre in accordance with the provisions of the NPPF. Since the main reasons that a Section 106 agreement is required are that planning permission only exists for up to 123 hotel bedrooms on the site and that the current application is not accompanied by a sequential test as required by the NPPF, it is the view of officers that the proposed terms of the legal agreement to limit the amount of hotel bedrooms to a maximum of 123 are proportionate to addressing what is necessary to control such development on the racecourse site without being unnecessarily restrictive or unduly prejudicing the consideration of future planning applications on the site by allowing the number of 123 hotel bedrooms already consented in the extant permission to remain as a material consideration, or for the applicant to revert to this permission by ceasing use of the Lodge and extension as a hotel.

Other matters

- 6.5 Officers note that in the committee report on the 3rd July 2019 condition 11 was left as a place holder pending further comments from the drainage officer in the update sheet. It would appear that these comments were not received and consequently a pre-commencement condition has now been recommended by your officer in order to address the provision of a suitable scheme of drainage measures for the proposed extension works. Agreement has been obtained from the agent for both this pre-commencement condition and one relating to provision of a construction method statement.
- 6.6 Concerns have been raised regarding the details of the approved phasing for the racecourse development. As a result of these matters, officers have reviewed the approved phasing plan and identified that the hotel was numbered as phase 2 within the plan. In order to clarify the phasing in line with the racecourse's intention not to develop the approved hotel at this time officers requested submission of a non-material amendment to include the hotel as the final phase of the approved development. In considering this application officers reviewed the materiality of this matter to the planning permission, noting that the main consideration in respect of phasing was to ensure the delivery of affordable housing. The associated Section 106 legal agreement was also reviewed and it was confirmed that the alteration to the phasing has not and will not prejudice delivery of the various items of affordable housing, highways infrastructure and public open space secured under that legal agreement. The non-material amendment to the phasing was approved on the 5th March 2021.
- 6.7 Concerns have been raised regarding delivery of the local centre for the development. While this matter is not contingent on any of the matters proposed under this application, in order to address these important concerns and due to the complex history of applications on the site officers have carried out a review of the planning history of the

housing development associated with permission 14/03109/OUTMAJ, and have confirmed that the local centre, providing retail space for the housing development, is secured in the outline planning permission and has been approved under reserved matters permission 14/03377/RESMAJ. This secures that retail space (the local centre) is provided in two areas on the ground floor of blocks A4 and A5, which are located in the eastern part of the approved housing development. The delivery of the local centre and its location in the eastern part of the development is an important consideration for provision of the local centre given the significant distance of this part of the development from the town centre and associated retail provision.

7. Planning Balance and Conclusion

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

8. Full Recommendation

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

Conditions

1.	<p>Three years for commencement The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.</p>
2.	<p>Approved drawings The development hereby approved shall take place in accordance with the following approved drawings: SK20, SK23, SK27, SK28, SK29, SK30, SK33, SK34, SK35, SK36, SK37.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>

3.	<p>Materials</p> <p>The external materials to be used in the approved extensions shall match those used in the existing lodge and shown on the approved drawings.</p> <p>Reason: In the interests of visual amenity in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
4.	<p>Construction management plan</p> <p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if any) (e) Wheel washing facilities (f) A scheme for recycling/disposing of waste resulting from demolition and construction works (g) HGV haul routes (h) the control of noise (i) the control of dust, smell and other effluvia; (j) the proposed method of piling for foundations (if any); (k) hours during the construction when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policies OVS6 and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
5.	<p>Parking in accordance with drawings</p> <p>The extension hereby approved shall not be occupied until the parking has been provided in accordance with the approved drawings. The parking area shall thereafter be retained and kept available for the parking of motor vehicles.</p> <p>Reason: In order to ensure that the site is provided with sufficient parking in accordance with the NPPF, Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy TRANS1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.</p>
6.	<p>Cycle storage</p> <p>The extension hereby approved shall not be occupied until details of motorcycle parking and cycle storage to be provided on the site have been submitted and approved under a formal discharge of conditions application. The development shall not be occupied until the motorcycle parking and cycle storage have been provided in accordance with the approved details. The motorcycle parking and cycle storage shall be retained and kept available for the parking of cycles and motorcycles thereafter.</p> <p>Reason: To ensure that the site is provided with sufficient storage for cycles and motorcycles to reduce reliance on the private motor car in accordance with the NPPF and Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>

7.	<p>Electric vehicle charging points</p> <p>The approved extension shall not be occupied until details of electric vehicle charging points have been submitted and approved under a formal discharge of conditions application. The electric charging points shall be installed in accordance with the approved details and shall be retained for charging electric vehicles thereafter.</p> <p>Reason: In order to facilitate the increased use of electric vehicles in order to reduce reliance on other fuel sources and in order to provide a sustainable form of development in accordance with the requirements of the NPPF and Policy P1 of the West Berkshire Housing Site Allocations DPD (2017).</p>
8.	<p>BREEAM</p> <p>The extension hereby approved shall not be taken into use until a post construction review demonstrating that the extension has achieved a BREEAM “Excellent” standard of construction has been submitted and approved under a formal discharge of conditions application.</p> <p>Reason: In order to meet with the requirement for sustainable construction in accordance with the NPPF and Policies CS14 and CS15 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
9.	<p>Hours of construction work</p> <p>No work relating to the extension hereby approved, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or public holiday.</p> <p>Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.</p>
10.	<p>Noise from mechanical plant</p> <p>The sound rating level (established in accordance with BS4142:2014) of any plant, machinery and equipment installed or operated in connection with this permission, shall not exceed, at any time, the prevailing background sound level at the nearest residential or noise sensitive property.</p> <p>Reason: In the interests of amenity of residential occupants and hotel guests in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.</p>
11.	<p>SuDS</p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:</p> <p>a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;</p> <p>b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;</p>

<p>f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</p> <p>g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;</p> <p>k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.</p> <p>m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</p> <p>w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition, or before occupation of the first dwelling on the site in the event that such a timetable is not submitted. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Systems SPG (2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
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Heads of Terms for Section 106 Agreement

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

Refusal Reasons

<p>1. Planning obligation The application fails to provide an appropriate planning obligation to prevent the over-provision of hotel bedrooms in a non-town centre location without adequate justification. The application is not accompanied by sufficient information or a sequential test to demonstrate that it would result in provision of hotel accommodation (a town centre use) in an appropriate location and at a justified amount. Furthermore, due to the extant consent for a 123 bedroom hotel on the racecourse site the proposed works would result in an over-provision of hotel accommodation in this location without justification of local need. The proposed works are therefore contrary to the requirements of paragraph 84 of the National Planning Policy Framework and Policy CS9 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, requiring that proposals for new business development should not conflict with existing uses.</p>
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Informatives

1.	Proactive This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
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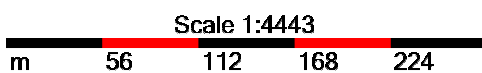
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 March 2021
SLA Number	0100024151



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Newbury Racecourse

19/00225/COMIND











Planning Appeal Decisions

Committee: Western Area Planning Committee on 3rd February 2021

Officer: Bob Dray, Team Leader (Development Control)

Recommendation: Note contents of this report

1. This reports summaries recent appeal decisions in the table below, and provides feedback on some of the key findings. The appeal decisions and associated documents can be viewed by searching by the application reference number on the Council's Public Access website: <https://publicaccess.westberks.gov.uk/online-applications/>

Application / Appeal	Site	LPA Decision	Appeal Decision + any costs	Decision Date
20/00270/HOUSE Appeal: 3250095 Written Reps	60 Reading Road, Pangbourne Convert front garden into parking and dropped kerb	Delegated refusal	Dismissed	03/09/20
19/01511/FUL Appeal: 3242425 Hearing	Land north of Theobald Drive, Purley On Thames 7 detached dwellings with car parking, access and all associated landscaping and ancillary works.	Delegated refusal	Dismissed	21/10/20
18/02727/FULD Appeal: 3233002 Written Reps	Land east of Limeswell, High Street, Streatley Erection of a three bedroom house including studio, conservatory and garage	Delegated refusal	Dismissed	22/10/20
19/02750/CERTP Appeal: 3252766 Written Reps	4 The Maltings, West Ilsley Certificate of lawful use or development sought for installation of solar panels on roof.	Delegated refusal	Dismissed	26/10/20
19/02526/FUL Appeal: 3247250 Written Reps	9 Bloomfieldhatch Lane, Grazeley Two storey pitched roof extension to existing garage block and the conversion of the building to a new granny annexe.	Delegated refusal	Allowed	27/10-20
19/02265/FULD Appeal: 3252506 Written Reps	Land to the south of Maida's Way, Aldermaston Erection of four dwellings.	Delegated refusal	Dismissed	29/10/20
19/02947/FULD Appeal: 3255122 Written Reps	Maple Corner, Maple Lane, Upper Basildon Erection of a new four bed dwelling including new access, hardstanding and landscaping.	Recommended for approval EAPC refusal	Allowed	03/11/20

19/02333/FULD Appeal: 3249672 Written Reps	Three Cliffs, Bere Court Road, Pangbourne Retention of existing house, demolition of existing barn building and greenhouse. Division of plot to allow for the construction of a new family dwelling and double garage. New double garage outbuilding for the existing house and associated works to the driveway.	Recommended for approval EAPC refusal	Allowed	12/11/20
19/02144/FULD Appeal: 3250230 Written Reps	Inglewood Farm Cottage, Templeton Road, Kintbury Section 73 to vary condition 2 (approved plans) of 19/00277/FULD: replacement dwelling.	Recommended for refusal WAPC resolved to approve DPC refusal	Dismissed	16/11/20
19/02522/FUL Appeal: 3256941 Written Reps	Church View Barn, Back Lane, Stanford Dingley The demolition of the existing stable block and the construction of a three-bay replacement garage building with adjoining log store, alongside associated parking, access and landscaping works and the change of use of land to a residential use.	Recommended for approval EAPC refusal	Allowed	21/12/20
19/00832/REM Appeal: 3256565 Written Reps	Land adjacent to Summerfield, The Ridge, Cold Ash Reserved matters of outline 16/02529/OUTD (5 dwellings). Matters seeking consent: appearance, landscaping and scale.	Recommended for approval WAPC refusal	Allowed	05/01/21
18/01657/COND1 Appeal: 3257645 Written Reps	Land adjacent to Summerfield, The Ridge, Cold Ash Approval of details reserved by conditions on 16/02529/OUTD (5 dwellings).	Non-determination WAPC minded to refuse	Allowed	05/01/21

‘Other suitable land’ within settlement boundaries

2. According to Core Strategy Policy CS1, “*new homes will be primarily developed on (amongst others) suitable previously developed land within settlement boundaries, and other suitable land within settlement boundaries*” (emphasis added). The following decisions emphasise that there is not an ‘in principle’ policy support for new housing within settlement boundaries; whilst there is a presumption in favour of residential (re)development, a wider assessment is required to conclude whether such proposals are in accordance with the housing policies.
3. In **Theobald Drive**, taking into account the significant contribution to the landscape character of the green corridor along Oxford Road, and that it forms part of the area’s

green infrastructure, the Inspector concluded that the site is not 'other suitable land' within the settlement boundary where Policy CS1 directs new housing. The appeal was therefore dismissed.

4. Similarly, **Limeswell** is within the settlement boundary of Streatley. The appeal site fronted a developed part of the High Street in Streatley and forms part of the existing property's garden. The site lies within the Streatley Conservation Area and there are many listed buildings nearby. The local area also forms part of the North Wessex Downs AONB. It was proposed to erect a two storey house and form a new access to the highway. The site lies in the defined settlement boundary of Streatley, thus the Inspector recognised that the principle of the erection of a new dwelling is generally acceptable in planning policy terms subject to site specific aspects concerning the effect of the development proposed on the heritage assets of the Conservation Area; the setting of nearby listed buildings, and highway safety issues.

Housing in the countryside

5. In considering the four proposed houses at **Maida's Way**, on land outside of any settlement boundary, the Inspector states that no evidence has been put before him that the proposal would satisfy any of the exceptions identified in Policy C1, and having reviewed the scheme against these exceptions, the Inspector was satisfied that the proposal could not comply with the approach to housing in the countryside, and is therefore contrary to the development plan.
6. The Inspector went onto consider the arguments made by the appellant that the housing requirement of the Core Strategy should be regarded as a minimum figure and the Government objectives enshrined within the NPPF so significantly boost the supply of home ought to override the provisions of the Core Strategy. However, the Inspector noted that the Council can demonstrate a five-year supply of deliverable housing sites, therefore he could see no good reason to set aside the development plan, or treat it as somehow out-of-date, in favour of the NPPF in this context. The Inspector also acknowledged the location of the site in relation to local services and facilities and the economic benefits arising from the development; however, the Inspector stated that in cases where the Council can demonstrate a five-year supply, that the planning system should be genuinely plan led.

Housing in relation to AWE

7. The appeal site for **Maida's Way** lies within the Detailed Emergency Planning Zone (DEPZ) surrounding the Aldermaston Atomic Weapons Establishment (AWE). The DEPZ is the geographic area within which West Berkshire Council is required to coordinate an Off-Site Emergency Plan (OSEP), along with other agencies. The proposed development would be located on the northern edge of the DEPZ, about 1100m from the site boundary of the AWE.
8. Core Strategy Policy CS8 relates specifically to proposals in proximity to AWE and states that in the interests of public safety, residential development in the inner land use planning consultation zones of AWE, is likely to be refused planning when the Office for Nuclear Regulation (ONR) has advised against that development. In this case, the proposed scheme is located within the inner land use zone of AWE Aldermaston. In consultation on the appeal application, AWE advised against the proposed scheme on the cumulative effects of additional dwellings within the DEPZ and that it would have an adverse effect on the AWE OSEP.

9. The Inspector recognised that the proposal would result in an increase in the population within the Sector. Whilst these additional numbers would be relatively small and the appeal site is located on the very edge of the DEPZ, next to a main road, the Inspector concluded that, despite the overall population within Sector R being less than other Sectors, due to this increase in population, the appeal proposal would be likely to prejudice the ability to implement the OSEP in the event of a radiation emergency. Accordingly, it would, as a result of its proximity to the Aldermaston AWE, increase the risk of harm to human health. He therefore concluded that the proposed development would result in an increase risk to human health, and in this respect, would be contrary to Policy CS8 of the Core Strategy and paragraph 95 of the NPPF.

Annexes

10. In **9 Bloomfieldhatch Lane** one of the main issues was whether the proposal would constitute the creation of a separate dwelling, and if so whether this would be a suitable location for housing having regard to the development strategy for the area and accessibility to services and facilities. The appeal site comprised a detached two storey dwelling situated in a large plot with sizeable rear garden. A detached double bay hipped roof car port is located within this garden, which is accessed via a driveway which is located approximately to the south of the site. The appeal proposal is for an extension to the existing car port in the rear garden. This would extend the south-west elevation to provide an L shaped annexe. The proposal is for a granny annexe including several bedrooms, a small kitchen, lounge space and a garage. The Council was concerned that the amount of accommodation space provided, alongside the facilities provided for day-to-day living, and the separation distance from the main dwelling meant the proposal was tantamount to the creation of a new dwelling in the countryside.
11. The Inspector disagreed. They commented that whilst the accommodation provided was generous within the annexe, the proposed lounge, kitchen and bathroom are more modest in size and are commensurate to the needs of a single occupier. The proposal is located approximately 20 metres from the main dwelling, however there are no physical boundaries between the two and the proposal does not include any separate outdoor space of its own. The annexe would share a joint access, driveway and parking area with the existing dwelling. Furthermore, the annexe would not have a separate address nor would it have a separate utility provision. This would, in the Inspector's view, indicate that the proposal would remain ancillary to the main dwelling and would not become a separate residential dwelling.
12. The Inspector noted that the Council's *House Extensions* Supplementary Planning Guidance 2004 (SPG) states that large granny annexes capable of being made into separate dwellings will not normally be acceptable. However, they commented that SPG is not specific on any space standards which would constitute a large annexe. They were satisfied that a planning condition could be imposed to restrict the use of the annexe to ancillary.

Streatley Conservation Area and highway safety

13. In **Limeswell**, the Inspector's decision had regard to the Streatley Conservation Area Appraisal (SCAA) of 2010. In addition to the architectural and historic merit of many of the buildings which line the High Street, the SCAA recognises the importance of green and open spaces and the views through, even glimpses, to the River Thames and to higher land and wooded hills and the wider rural setting of the village. The Inspector commented that the garden is not specifically identified in the SCAA as an important garden on open space. Similarly, SCAA did not identify the view through the appeal site as one of its key long distance views. The Inspector judged both aspects on its present

merits, finding the open garden behind the wall and the gap in the street scene do make a positive contribution to the character of the CA. However, the Inspector concluded that the subdivision of the site would conserve this character, and the proposed house would not be prominent in views from the High Street because of its set back and siting. No objections were raised in this respect.

14. However, the Inspector did raise concerns with the effect of the revised boundary wall and entranceway. He commented that the existing flint and brick wall is an imposing feature which contributes positively to the character of the CA, and provides a striking sense of enclosure to the public realm. He concluded that the combination of the proposed setting back, and the gap formed by the new entranceway, where the side walls would return at 90°, results in a substantial 'hole' in the frontage. This would be visually intrusive, and the sense of enclosure established by the present alignment and form of the wall would be lost. Consequently he found the impact on the CA unacceptable.
15. The Inspector concluded that the proposals would not harm the setting of some listed buildings, but would cause 'less than substantial' harm to the setting other those on the southern side of the High Street which would be affected by the changes to the frontage wall.
16. Finally, the Inspector agreed with the Council that the access would undermine highway safety. He recognised that much of the highway is restricted by double yellow lines, but there was an unrestricted area close to the access where a vehicle could park after the access was constructed. He expressed concerns in practical terms that such parking would greatly restrict the visibility of vehicles approaching from the west to the detriment of highway safety. The Inspector recognised that the proposed visibility splays were substandard according to Manual for Streets, and expressed concerns for the wall if improvements were sought. The Inspector recognised the local objections for loss of on-street parking caused by the formation of the new access, but stated that if the other aspects of the scheme had been acceptable, the loss of limited on-street parking facilities would not be sufficient reason on its own to reject the proposal.

Green corridor at Oxford Road, Purley on Thames

17. In ***Theobald Drive***, permission was sought for seven detached dwellings on a broadly rectangular area of sloping woodland between the Oxford Road (A329) and Theobald Drive (a residential cul-de-sac). The site is subject to an Area Tree Preservation Order (TPO), and the Inspector recognised that, as part of a green corridor and an area of natural or semi-natural green space, the appeal site contributes to the green infrastructure (GI) of the area. 25 metres of woodland would be lost to accommodate the development, with the retention of two woodland 'buffers' which wrap around either end. The retained woodland (around 54% of the site) was proposed to be enhanced by additional planting and management. No additional GI was proposed.
18. Notwithstanding the low quality of many individual trees, the lack of public access and the absence of protected species, the Inspector concluded the loss of a significant area for the development would significantly diminish the site's contribution to the amenity of the area and green infrastructure. She also considered the replacement tree planting would be overbearing on occupants of the dwelling, and render large parts of their gardens unusable. She had limited confidence in the long term effectiveness of the proposed woodland management.
19. The Inspector commented that the section of Oxford Road between the Roebuck Public House and the Knowsley Road roundabout is characterised by areas of woodland and

tree lined planting of varying depths. The south side has long sections with no footpath and the woodland directly abutting the carriageway. The north side has a footpath but is characterised by trees and understorey planting set behind low walls and close-board fencing. Consequently the predominant character along Oxford Road, particularly its southern side, is both verdant and sylvan. Similarly Theobald Drive has “an attractive, verdant and tranquil character.” The Inspector recognised that the character has changed as a result of recent developments, particularly Rawlins Rise, and commented that, with the benefit of viewing the development some four years on, this section has not largely maintained its attractive tree lined appearance as envisaged by the Inspector for that appeal. This evidently factored into her concern for the character and appearance of the area.

Permitted development rights for solar panels

20. Article 3 and Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants a national planning permission for the installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on a dwellinghouse. This ‘permitted development right’ is subject to limitations and conditions set out in paragraphs A.1 and A.2 of Part 14. The Council refused to grant a LDC in **4 The Maltings** on the basis that it would breach conditions A.2(a) and (b), which require solar PV is, so far as practicable, sited so as to minimise its effect on the external appearance of the building and the amenity of the area. The phrase ‘so far as practicable’ is not defined in the GPDO.
21. The Inspector confirmed that these conditions do not require a conventional assessment of the effect of the proposal on the external appearance of the dwelling and the amenity of the area. Nevertheless, it must be shown, that in practical terms, the effects have been minimised. The Inspector recognised that the roof form of the dwelling (within the AONB and Conservation Area) contributes significantly to its overall architectural composition. The application supporting documentation includes a quotation that puts forward two solutions that the company say will provide a ‘strong platform to manage and control reliance on the National Grid for future household energy needs’. The Inspector commented that to pursue an option beyond the recommended 15 panels runs counter to minimising their effect because, in general terms, a lesser number of panels is more likely to be able to be sited in a way which minimises their effect. Moreover, proposed layout would have a significantly greater roof coverage than that stated in the quotation. All of these locations would be visible from various points of The Maltings.
22. Accordingly, the Inspector concluded that the appellant had not demonstrated that the solar panels on the front roof pitch of the dwelling would, so far as practicable, be sited so as to minimise their effect on the external appearance of the building and the amenity of the area, in breach of limitations A.2(a) and A.2(b). This appeal decision provides a useful reference for how to assess compliance with these limitations in future cases.

EAPC decision: Maple Corner, Maple Lane, Upper Basildon

23. Permission was sought for a new two storey detached dwelling within the garden land of a bungalow. In the Housing Site Allocations DPD, Upper Basildon is regarded as a smaller village – suitable only for limited infill development. The Inspector was therefore satisfied that the site lies within the village context and that the principle of the erection of a new dwelling is acceptable subject to specific factors concerning the site and its surroundings.
24. The Inspector considered the appeal site is read in a village context rather than the open fields to the south and the wider rural landscape of the AONB. They commented that the

existing bungalow occupies a large site on a corner and there is reasonable space to the property to the south which fronts the cul-de-sac of Sykes Gardens. Taking account of the wider setting of the village in the AONB, the plot size of the proposed dwelling, together with the residual garden of Maple Corner, are still characteristic of the area. Moreover, the local properties tend to be two storeys in height. The proposal continues this design while leaving sufficient space to maintain the setting of the bungalow. In relation to other local buildings the scale, bulk and design of the dwelling proposed is appropriate to the area, as demonstrated in the street scene elevation, and the design of the new house would sit comfortably in the street scene. The Inspector concluded that the development would not look cramped in the immediate setting of the site, nor result in overdevelopment, which were fundamental concerns of the Council's Planning Committee.

25. In terms of the visual impact of creating a new access, the Inspector noted that this would be outside of the canopies of the existing mature trees, but the access and sight lines would require the removal of much of a roadside hedge. However, they commented that the hedge is of common rural species and the scheme provides for the planting of a replacement hedge and trees. Thus, the visual change brought about by the loss of the hedge was considered to be relatively short term and is unlikely to result in a suburbanising effect in the long term. The Inspector commented that the adjacent development at Sykes Gardens shows that landscaping along a highway can be successfully integrated with a vision splay for an access.
26. The main issue in terms of neighbouring amenity was the relationship with the adjoining 1 Sykes Gardens, the side elevation of which faces the appeal site. The Inspector commented that, while it is proposed to site the new dwelling closer to the boundary than the distance to the side of 1 Sykes Gardens, this proximity would be greater than the relationship between the other properties in Sykes Gardens. They recognised that the limited space is unlikely to be sufficient to retain or plant new shrubs/vegetation within the appeal site, but nevertheless the relationship between the proposed and existing houses would not be a harmful one. The aspects from the north facing windows in No.1 are already very restricted by the party boundary fence and vegetation within that site. The presence of the side wall of the appeal house will not make this materially worse, notwithstanding the Building Research Establishment (BRE) 'vision line'. It is similar to the relationship already established in nearby properties and where the main aspect is front and back.
27. Overall, the Inspector concluded that the proposed dwelling would be consistent with and maintain the established character and appearance of the area and would not harm the local environment or the wider landscape character of the AONB, and that the occupants of 1 Sykes Gardens would retain a reasonable level of amenity at their property and the proposal would not harm their living conditions.

EAPC decision: Three Cliffs, Bere Court Road, Pangbourne

28. The appeal proposal would subdivide this existing plot and would replace the existing barn building with a new dwelling. The settlement boundary for Pangbourne runs through the appeal site. The existing dwelling is located wholly within the settlement boundary, however the proposed dwelling would be adjacent to, but outside of this settlement boundary. The appeal proposal would therefore be located within the open countryside.
29. The Inspector agreed that the appeal site was located outside of the settlement boundary, and thus there is conflict with the above policies which seek to steer development to existing settlements. This conflict with the development plan is

something which they afforded weight to in their consideration of the appeal proposals. However, the Inspector went on to discuss the unique circumstances of this case.

30. The Inspector had regard the strategic aims of Policies ADPP1 and ADPP5, to focus development within or adjacent to the settlements specified in the settlement hierarchy, and related to transport accessibility, especially by public transport, cycling and walking, and their level of service, and that Pangbourne is identified as a rural service centre providing a district centre shopping function with a range of services and facilities. The appeal site is located an approximate 15 minute walk from the centre of Pangbourne which provides a number of services and facilities. As such the Inspector considered it would be entirely feasible for future residents to access these facilities via sustainable modes such as walking and cycling. They noted the Council's concerns that the roads surrounding the appeal site are narrow, with no footways and are unlit; however they referred to the low vehicle speeds and numbers in the area during their site visit, and that a number of residents were seen walking the roads.
31. In terms of the character of the appeal site itself, the Inspector commented that in this instance the appeal proposal would be located directly adjacent to the settlement boundary, and would share a close spatial relationship with the neighbouring properties. It would be located within an area which clearly has a predominantly residential feel to it, and the development would assimilate well with the surrounding residential dwellings and the proposal would not appear isolated. The proposal would not harm the existing relationship of the settlement and the open countryside.
32. In terms of concerns that allowing the development within this garden would set a precedent for other similar proposals in this area, the Inspector commented that they were not aware of any examples of specific sites which could be developed in the locality. Furthermore, each appeal and application must be judged on its own merits, and they did not have any compelling evidence to indicate that should the appeal be allowed this would encourage similar development in the area.
33. The Inspector concluded that although the appeal proposal conflicts with policies ADPP1, ADPP5 and CS1 of the CS, and policy C1 of the HSADPD, in so far as the development would be located outside of the settlement boundary, it would accord with the aims of those policies which seek, amongst other things, that development is located in accessible locations. The appeal site is therefore an appropriate location for housing.

WAPC/DPC decision: Inglewood Farm Cottage

34. The appeal site in this case comprises an existing cottage style dwelling situated adjacent to Inglewood Road, Kintbury. The site is located outside of any settlement and is therefore within the open countryside. It has a large rear garden with mature trees. The Inspector considered the site had a distinctive open rural feel.
35. Planning permission was already granted for a replacement dwelling. The amended plans which were the subject of this appeal would create a new wing which would extend in a broadly southern direction by a distance of approximately 8.5 metres. It would have a ridge height slightly lower than the main roof of the house. A new parking arrangement was proposed that would necessitate the removal of two mature trees on the site frontage.
36. Policy C7 of the HSA DPD pertains to the replacement of existing dwellings within the countryside. It states, amongst other things that there is a presumption in favour of the replacement of an existing dwelling of permanent construction. Replacement dwellings will be permitted providing that the replacement dwelling is proportionate in size and

scale to the existing dwelling, uses appropriate materials and does not have an adverse impact on the character and local distinctiveness of the rural area. There was no dispute that the original proposal complied with the policy, but the appeal proposal would substantially increase the size of the replacement dwelling, and the Council raised concerns that this would result in a dwelling which is not proportionate in size and scale to the existing dwelling. The proposal would represent an increase of floor space by approximately 253% compared to the original dwelling.

37. The Inspector noted that Policy C7 does not provide a definition nor metric in which proportionality is measured. However, the explanatory text states that the key components of proportionality are scale, massing, height and layout of a development. Any size increase has to be considered on the basis of the impact of a particular property in a particular location. The Inspector stated that, clearly, the definition and degree of harm is a matter of planning judgement based on the site specifics.
38. The Inspector noted the substantial increase to the overall footprint of the development. They considered that the scale of the proposal when compared to the somewhat modest existing dwelling would result in a disproportionate size dwelling. The totality of development would, in their view, add considerable built form within this predominantly sparsely developed rural area, which would significantly harm the character and appearance of the area.
39. The Inspector had regard to the screening on some boundaries, but found that the orientation of the extension would increase its visibility from a public viewpoint, adding considerable built form into a current verdant garden space. The removal of mature vegetation to facilitate the development would also add a degree of urbanisation to the street scene. A number of environmental benefits included within the proposal were considered to represent minor benefits and not outweigh the significant harm identified.

EAPC decision: Church View Barn, Stanford Dingley

40. The Inspector commented that the proposed garage and log store would be located in a similar position to the existing stable building and has been designed so that it would remain predominantly obscured by the hedgerow and proposed landscaping along the frontage of the site. Only glimpsing views would occur via the access driveway. Views of the building from the surrounding countryside would be obscured by the mature vegetation along the southern boundary of the site and the host dwelling to the east. It would appear subservient in scale and design to the host dwelling and comprise of building materials complimentary of the host dwelling and surrounding rural character of development.
41. The Inspector recognised that the host dwelling is a replacement dwelling and is a larger built form than has historically been on the site. They also noted that an attached garage previously existed before being converted to form an integrated part of the dwelling. Nevertheless, they concluded that the open and spacious characteristics of the site and sporadic pattern of development would be preserved as part of the proposal and would not detrimentally erode the surrounding landscape characteristics of the AONB.

WAPC decisions: Summerfield

42. The main issue for the reserved matters was the effect of the proposal upon the character and appearance of the area.
 - **Scale:** The Inspector commented that they would be taller and larger than the existing dwellings which adjoin the eastern and western boundaries of the site, but

that the provision of single storey garages at either end of the site would provide a transition. The proposed dwellings would be set back from the road, with gaps provided between them, allowing views of the open landscape to the south. Furthermore, he noted that the appeal site slopes away to the south, with the design approach seeking to utilise the topography to further reduce the presence of the dwellings when viewed from The Ridge. As a consequence, he concluded the proposal would not appear as an overly dominant form of development.

- **Appearance:** Each dwelling would have a slightly different design approach. There are however a number of common features such as chimneys, gables and a similarity in footprint shape. The Inspector stated this commonality is however not necessarily harmful. The appeal site is an infill plot within the existing pattern of ribbon development, therefore there is an element of design logic to creating a sense of rhythm and pattern, whilst ensuring that each plot is treated individually. Variety would be achieved through the use of different materials, timber framing and brick detailing. Considering the variety that already exists within the street scene, the Inspector considered the design of the appeal properties contains sufficient variation, along with suitable local references.

43. The main issues for the “discharge of conditions” appeal were whether the proposed materials were in keeping with the character and appearance of the area, and whether the proposal makes adequate provision for secure cycle storage.

- With respect to the materials, the Inspector commented that within the immediate vicinity of the appeal site and along The Ridge, existing dwellings display a varied style in terms of their design and form. Materials are also varied and include a range of different types and colour of brickwork, render, tile hanging and weather boarding. The design and finish of windows, doors, soffits and fascia boards are also mixed, with either wood or uPVC finish, with colours differing from plot to plot. Therefore, there is no singular particular material or finish which defines the overall character of the area, however that said, most materials appear to be of high quality. The Inspector concluded that the proposed dwellings would be completed in a range of materials and finishes, which he considered would reflect and respect the nature and appearance of surrounding developments.
- With respect to the cycle storage, it was intended that each dwelling would be served by either a garage or a car port and, within these, there would be sufficient space to securely store cycles via wall brackets. The Inspector commented that, whilst the submitted garage details do not show the provision of brackets, the details demonstrate that all properties would be provided with a dry and lockable space that would provide sufficient room for the safe and secure storage of cycles.

Other decisions

44. The following decisions have also been received and are listed in the table above, but do not raise any issues of general interest:

- 60 Reading Road – site specific considerations of highway safety and street scene