

# Notice of Meeting



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## Western Area Planning Committee Wednesday, 28 April 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 26 April 2021. Written submissions will be read aloud at the Planning Committee. Please e-mail your submission to [planningcommittee@westberks.gov.uk](mailto: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](mailto:planningcommittee@westberks.gov.uk)) by no later than 4.00pm on Tuesday 27 April 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, 28 April 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](mailto:planningcommittee@westberks.gov.uk)

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

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

Date of despatch of Agenda: Tuesday, 20 April 2021

**Agenda - Western Area Planning Committee to be held on Wednesday, 28 April 2021**  
(continued)

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

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 28  
To approve as a correct record the Minutes of the meeting of this Committee held on 17 March 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, 28 April 2021**  
(continued)

- (1) **Application No. and Parish: 20/03074/COND3, Mary Hare Grammar School, Arlington Manor, Snelsmore Common, Chieveley** 29 - 38
- Proposal:** Application for approval of details reserved by condition 15 (highways -cms) of approved 18/01161/COMIND - Construction of a single-storey primary school building and associated two-storey boarding house incorporating a part-lower ground floor area for use by Mary Hare Primary School (and to facilitate the relocation of the current Mary Hare Primary School from its current Mill Hall site); two-storey business centre comprising earmould manufacturing facility, audiology clinics, hearing aid repair shop (HARS) and conference centre rooms; single storey vocational classroom block for existing secondary school and single storey works facility to replace existing; formation of extended access road to primary school building; reconfiguration of existing car parking including provision of additional car/cycle parking; provision of new/reconfigured hard and soft landscaping to include a new external covered space to front of existing Blount Hall secondary school building; and other related works.
- Location:** Mary Hare Grammar School, Arlington Manor, Snelsmore Common, Newbury, RG14 3BQ
- Applicant:** Mike Smithers - Beard Construction
- Recommendation:** To delegate to the Head of Development and Planning to GRANT planning permission subject to the schedule of conditions (Section 8 of the report).
- (2) **Application No. and Parish: 19/02979/OUTMAJ, Land South of Tower Works, Ramsbury Road, Lambourn Woodlands, Lambourn** 39 - 76
- Proposal:** Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale.
- Location:** Land South of Tower Works, Ramsbury Road, Lambourn Woodlands, Hungerford.
- Applicant:** Walker Logistics Limited
- Recommendation:** To delegate to the Head of Development and Planning to GRANT planning permission subject to the schedule of conditions (Section 8 of the report)



**Agenda - Western Area Planning Committee to be held on Wednesday, 28 April 2021**  
(continued)

- (3) **Application No. and Parish: 20/00912/FULEXT, Land at End Of Charlotte Close Hermitage Thatcham, Hermitage** 77 - 158
- Proposal:** Erection of 16 dwellings and associated landscape and highway works.
- Location:** Land at End Of Charlotte Close Hermitage Thatcham
- Applicant:** CALA Homes Ltd
- Recommendation:** To delegate to the Head of Development and Planning to GRANT planning permission subject to the schedule of conditions (Section 8.3 of the report) and the completion of a Section 106 legal agreement.
- OR
- If the legal agreement is not completed by the 28th July 2021 (3 months of the committee meeting), to delegate to the Head of Development and Planning to REFUSE planning permission, for the reasons set out in Section 8.4 of the report or to extend the period for completion if it is considered expedient to do so.

**Items for Information**

5. **Appeal Decisions relating to Western Area Planning Committee** 159 - 168
- 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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# Agenda Item 2.

## DRAFT

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

### WESTERN AREA PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY, 17 MARCH 2021

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

**Also Present:** Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader (Highways Development Control)), Cheyanne Kirby (Planning Officer), Jenny Legge (Principal Performance, Research and Consultation Officer), Kim Maher (Solicitor) and Simon Till (Team Leader (Western Area Planning))

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

#### PART I

##### 48. Minutes

The Minutes of the meeting held on 3 February 2021 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Item 2, page 15, paragraph 37:** replace “Councillor Hooker” with “The Chairman”.

##### 49. Declarations of Interest

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

Councillors Dennis Benneyworth and Andy Moore 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.

Councillors Phil Barnett and Tony Vickers declared an interest in Agenda Items 4(3) and 4(4), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter

##### 50. Schedule of Planning Applications

###### (1) **Application No. and Parish: 21/00114/COND1, Land Off Faraday Road and Kelvin Road, Newbury**

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council and Greenham Parish Council and their respective Planning and Highways Committees, which had discussed this application. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

## WESTERN AREA PLANNING COMMITTEE - 17 MARCH 2021 - MINUTES

*(Councillors Phil Barnett, Hilary Cole, Carolynne Culver and Tony Vickers declared that they had been lobbied on Agenda Item 4(1).)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/00114/COND1 in respect of an 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) at land off Faraday Road and Kelvin Road, Newbury.
2. Mrs Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that 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 noted that the application was concerned with the phasing of the development. The first phase was to provide the beginnings of the access road from Calvin Way, and the development then proceeded around the site. He noted that officers had no objection to the proposed phasing.
4. Councillor Tony Vickers asked why there was no speaker from Newbury Town Council. Mr Simon Till, Team Leader (Western Area Planning), confirmed that the Town Council was not a formal consultee, since this was a discharge of conditions application, and only key stakeholders who were involved in the technical matters of discharging the condition were usually consulted on such matters. In this case the key stakeholders would be Housing and Highways officers. He noted that Newbury Town Council had submitted comments, which were included in the update sheet.

### **Removal of speaking rights**

5. 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.
6. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
7. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from, Mr Arnold Ward on behalf of Mr Alan Pearce, objector. Mr Ward was able to attend the meeting.
8. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5741&Ver=4>



## WESTERN AREA PLANNING COMMITTEE - 17 MARCH 2021 - MINUTES

### Objector's Submission

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

### Ward Member Representation

10. Councillor Jeff Beck in addressing the Committee raised the following points:
  - He had been associated with this proposed development for a number of years.
  - This application was to determine phasing for a previously approved application, and was not an application for planning permission.
  - Permission for 19/00981/OUTMAJ required an application to be made for drainage strategy and flood risk, as detailed on page 223, paragraph 6.9 of the report.
  - Residents in London Road were concerned about the risk of flooding on their land, which was already taking place. He asked the Committee to appreciate their fears that the flooding could increase to the extent that their houses could become flooded in future.
  - He supported the officer's recommendation for approval, but asked the Committee to consider including a condition to reinforce the necessity of a further application to be made in respect of drainage strategy and flood risk.

### Members' Questions to the Ward Member

11. Councillor Phil Barnett asked if Councillor Beck was concerned about the effects of recent developments on the north side of Newbury, which could potentially produce a surge of water impinging on this site. Councillor Beck indicated that he was unsure as to which sites Councillor Barnett was referring. The Chairman indicated that the question was not relevant to Councillor Beck's representation.

### Members' Questions to Officers

12. Councillor Howard Woollaston expressed concerns that the proposed office accommodation might subsequently being converted to residential use and asked if conditions could be imposed to remove permitted development rights. Mrs Cutts explained that this application was only regarding the discharge of conditions relating to the phasing of the development, and no further conditions could be imposed on the permission as part of this process.
13. Councillor Vickers asked officers why the condition relating to the drainage of the site had not been agreed before the phasing application had been made, since drainage would need to be completed before buildings could be constructed. Mrs Cutts explained that the Planning Authority could only deal with applications in the order in which they were submitted. She noted that other pre-commencement conditions would need to be discharged before construction could start on site, including sustainable drainage. Mr Till confirmed that the sustainable drainage condition had requirements that would need to be discharged prior to construction, regardless of the order in which the information was submitted. He explained that the sustainable drainage would need to link up and function for each, and all phases. He disagreed with the objector's assertion that a phased development would prevent a holistic view being taken of drainage on the site.
14. Councillor Vickers asked if this would be addressed in the Construction Management Plan (CMP). Mr Till noted that the CMP and provision of works on the site, including sustainable drainage works, would need to interact with each other.

### Debate

## WESTERN AREA PLANNING COMMITTEE - 17 MARCH 2021 - MINUTES

15. Councillor Hilary Cole opened the debate. She noted that the site had a tortuous planning history, but was pleased that the applicant was proposing to deliver 30 percent affordable housing on this brownfield site. She knew that officers were content with the phasing for the site, and indicated that she was happy to support the application if the commitment to the affordable housing was upheld when the development was constructed. She proposed to accept officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report.
16. Councillor Barnett suggested that the needs of the district had changed since the original outline planning application was approved. He agreed with Councillor Woollaston's concerns about potential future changes of use on the site, and suggested that the mix of uses should be considered in addition to the phasing of the development. He welcomed the affordable housing, but expressed concern about Phase Four of the development.
17. Councillor Vickers seconded Councillor Hilary Cole's proposal. He acknowledged that there had been concern about the housing when the development had originally been consented, but noted that it would deliver a tenfold increase in employment on the site, in addition to the housing. As such, it was a good use of brownfield land in a sustainable location. He explained that Newbury Town Council had convened a special meeting to consider this application. They felt it was important for the affordable housing and the rest of the development to proceed, but recognised residents' concerns about drainage. He indicated that Newbury Town Council would be prepared to publish their 500 word statement in support of the application. He suggested that the process be reviewed to allow representation from Parish and Town Council's on such matters in future.
18. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Tony Vickers, to grant planning permission subject to the conditions listed in the main report and update report. 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. Condition 5 : Phasing

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:

- i. Covering letter dated 19th January 2021, received on 20th January 2021;
- ii. Development Description Addendum received on 27th January 2021
- iii. 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;

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- viii. Phasing Plan Phase 4 Drawing No RL14/P3/43 received on 27th January 2021; and
- ix. Phasing Plan Phase 1 Drawing No RL14/P3/39 Rev A received on 27th January 2021

### **Informatives**

#### **1. CIL**

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](http://www.westberks.gov.uk/cil)

#### **(2) Application No. and Parish: 20/02039/FUL, Land West Of Pumping Station, Enborne Row, Wash Water, Enborne**

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

*(Councillor Dennis Benneyworth declared that he had been lobbied on Agenda Item 4(2).)*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/02039/FUL in respect of the construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme on land west of Pumping Station, Enborne Row, Wash Water.
2. Miss Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
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 Officers had no objections to the proposal. The access and site layout were considered to be acceptable. The road from the site to the A343 was of a good standard, and from the A343 there was direct access to the A34.

### **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

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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 Richard Coward, objector, and Mr David Wood, agent. Mr Wood attended the meeting.
7. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5741&Ver=4>

### Objector's Submission

8. The Clerk read out the representation. Mr Coward was unable to attend the meeting to answer questions.

### Agent's Submission

9. The Clerk read out the representation. Members questioned the attendee as follows:
10. Councillor Tony Vickers noted that the ponies would not be relying on grazing to be fed, but in the officer's report it stated that every trip to provide fodder would involve trips of 25 miles each way, twice a day, totalling 100 miles a day. In a time of dealing with a climate emergency when we were being asked to cutting down unnecessary travel, he enquired how long this would go on for. Mr Wood explained that it would continue until his clients were able to purchase a property in the area.
11. Councillor Carolyne Culver highlighted that British Horse Society (BHS) and the Department of Environment, Food and Rural Affairs (Defra) standards both specified more room was needed for ponies than was proposed in this application. Defra recommend each horse be provided with 0.4 ha and BHS recommend 0.6 ha. Mr Wood noted that ponies required less space than horses, and confirmed that the ponies would not rely upon the grassland for food, as they would be fed on hay and concentrates.
12. Councillor Phil Barnett noted that the objector was concerned about the speed of traffic on Enborne Row. He asked if the horses would be ridden on the road, or if they would only leave the site in trailers. Mr Wood confirmed that the riders were young girls who would initially be led onto the road by adults. He noted that there was advice provided by BHS about how young children could ride safely on the highway.
13. Councillor Hilary Cole noted that the site was currently scrub and asked about the management of the grassland. She suggested that the proposal to feed hay to the horses may not be successful, and that the horses would still graze on grass. Mr Wood acknowledged that the site was in poor condition and explained that it would be cultivated and reseeded to create fresh pasture.
14. Councillor Dennis Benneyworth noted that the site was relatively small, at less than an acre, which included stabling, access and hardstanding, and asked what the three paddocks would be used for. He suggested that if the paddocks were used for riding, that this would further reduce the amount of land available for the turnout of the ponies. Mr Wood explained that splitting the site into three paddocks would mean that the grassland and worm pests could be managed, and a three week cycle would give the grass a chance to recover. He reiterated that the ponies would have supplementary feed and would be browsing possibly more than grazing.
15. Councillor Benneyworth suggested that the fields would need to be 'poo-picked' on a daily basis, which may be difficult if the owners did not live nearby. Mr Wood

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explained that his clients were aware of the need to do this as part of their routine animal care, similar to cleaning out stables.

16. Councillor Hilary Cole asked where the ponies were kept now. Mr Wood confirmed that they were in a livery near Abingdon.

### Ward Member Representation

17. Councillor Benneyworth in addressing the Committee raised the following points:
- Parish Councillors and some residents were concerned that the ponies were Trojan horses, with the proposal being a pre-cursor to a request to change the use of the land to residential.
  - Local Plan Policy ENV21 required that sufficient land was provided.
  - The overall size of the plot was 0.37 ha, significantly less than the recommended standard of 0.6 ha, notwithstanding that a quarter of the site would be taken up by the stable block, hard standing and access road, which would further reduce the space available for the ponies.
  - Policy CS12 referred to “enjoying the countryside in a sustainable way”, but he questioned the sustainability of the owners daily 100 miles commute to look after the ponies and bring in fresh water twice a day.
  - Policy CS13 stated the aim to reduce the need for travel, but the proposal had the opposite effect.
  - Paragraph 6.10 of the officer’s report noted that the national speed limit applied on the road adjoining the site, which presented a hazard, particularly for young riders.
  - The Design and Access Statement claimed that there was adequate land which, with careful management, would provide grazing and exercise space for two ponies. However, he humbly suggested that “careful management” was an understatement.
18. Councillor James Cole in addressing the Committee raised the following points:
- Local residents believed that this application was really about getting permission for houses, and reportedly the owner of the land had been advertising it as such.
  - The case officer stated that animal welfare was not a material planning consideration, however the space available was dramatically less than the minimum required for horses as required by Local Plan Policy ENV29. Policy ENV29(d) in conjunction with 2.56.3 made the planning policy clear.
  - Putting two ponies into a small, wet paddock would quickly destroy the soil structure. The effect of constant wet mud on horse’s hooves could be quite damaging and lead to conditions such as thrush.
  - The proposal would result in unsustainable commuting, which would be contrary to policy CS12.
  - It would also be contrary to Policy CS13, but officers did not feel this was relevant.
  - Cars passing at 60 mph as a pony emerged from the site, could cause it to rear, throw the rider, thereby leading to the rider being hurt. This site would be used by young riders. Although they would be led by adults, it would still be a risk and more so in the long-term.

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- Many horses were kept in fields adjoining country lanes where the speed limit was 60 mph, but in practice speeds and traffic volumes were often low. However, traffic volumes on this road were high as drivers picked up speed as they left the village. In the other direction, the vehicle activated sign was frequently triggered. It was a fast road.
- The land was not suitable for equines. This was an example of property speculation, and what was really needed in this time of climate change was to plant trees there.
- This application was not even in a grey area open to interpretation. It was not consistent with planning policies and should be refused.

### **Members' Questions to the Ward Members**

19. Councillor Hilary Cole asked how long it would be before the young riders would need to graduate to larger ponies or horses, and the size of the acreage would then be unsustainable for larger animals. Councillor Benneyworth suggested that given the age of the riders and the size of the ponies, it would probably be within two to three years.
20. Councillor Carlyne Culver asked if there were concerns about the horse's safety given the remoteness of the site, and the fact that the owners lived so far away. Councillor Benneyworth suggested that ideally horses would be monitored on a frequent basis. However, he noted the applicants would make provision for someone to visit the horses twice a day if they were unable to do it themselves. He assumed that they would erect secure fencing and gateways to ensure the safety of the ponies.
21. Councillor Barnett asked whether reducing the speed limit to 40 mph would address road safety concerns. Councillor James Cole suggested that the volume of traffic was also important and even with a 40 mph speed limit, he would still be worried. He suggested that the children would be led out initially, but would soon want to ride by themselves, but he did not consider the road to be appropriate for ponies or horses.
22. The Chairman noted that Councillor James Cole had referred to the field as being wet land and asked if this was his own view or if it had been identified as such in a study. Councillor James Cole confirmed that it was his own view. The site was beside the river and had always been a bit wet.

### **Member's Questions to Officers**

23. Councillor Andy Moore noted that a condition was proposed requiring no more than two horses to be kept at the site, but asked if the condition could be tightened from horses to ponies. Miss Kirby suggested that it would not be reasonable to limit the height of the equines allowed on the site, but separate legislation may apply, such as the Animal Welfare Act, and it would be for the applicant to determine if it was viable to keep larger horses on the site.
24. Councillor Vickers asked if it was possible to condition that the horses not be brought to site until the Planning Authority was satisfied that the land and horses could be managed from the local area. Mr Simon Till, Team Leader (Western Area Planning), stated that the applicant's address was not a material planning consideration. He confirmed that planning permission applied to the land, unless made personal to the applicant for good planning reasons, because the applicant might wish to sell the land with planning permission in place. He strongly advised against imposing a condition limiting the applicant's address, which was outside the remit of planning.

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25. Councillor Vickers wondered if it was possible to condition the application on the basis of the Planning Authority being satisfied that the land could be managed sustainably, since it was not sustainable to rely on long, daily journeys. Mr Till agreed that sustainability was important when considering planning applications, but he did not consider that it would be possible to devise an appropriate condition.
26. Councillor Culver noted that on page 52, paragraph 6.25 of the officers report it was stated that animal welfare was not a planning consideration, yet paragraph 6.8 referred to ENV29(d), which required sufficient land to be provided. She observed that these two statements were inconsistent. Miss Kirby noted that this was one of the older saved policies, which was advisory only. She confirmed that planning could not consider animal welfare and reiterated that it was up to the applicant to determine if it was viable to maintain animals on the site. Mr Till stated that Planning Practice Guidance was clear that Planning Authorities should defer to other legislation where it better addressed the matter of concern, in this instance animal welfare legislation. He conceded that ENV29(d) sought to specify an appropriate area of land, but it was guidance rather than a hard rule. For this application, officers had sought additional information and were satisfied on balance that a viable use of the land could be made for the proposed purpose.
27. Councillor Culver asked if a security related condition could be imposed. Mr Till suggested that this would fall outside planning's remit and that the applicant would have an interest in protecting their investment.
28. Councillor Hilary Cole noted that it was a balanced application and wondered how much weight should be given to guidance and advice set out in the policies and other sources. Mr Till indicated that it was a difficult balance to strike where there were policies that referred to matters that were typically outside of planning control, and where National Planning Practice Guidance required planners to defer to other legislation. He confirmed that officers had looked at the requirements and recommendations of local policies in relation to the land available, and had sought considerable additional information and justification from the applicant, as well as technical advice from the Animal Welfare Officer. They were satisfied that the intention of the policy, to secure an appropriate amount of land for the use proposed, would be achieved. Officers had sought to avoid overstepping into the remit of animal welfare legislation. They had made their recommendation in the knowledge that our policies had specified recommended standards. Officers had sought information to satisfy themselves that the intentions of the policy, to secure that a reasonable amount and quality of land would be delivered.
29. Councillor Benneyworth observed that the site was not large and calculated that around a fifth of the plot would be given over to the access, stabling and hardstanding. This left around 0.14 ha per pony compared to the recommended space of 0.6 ha. He asked if officers were happy to support this. Mr Till indicated that officers had gone to a satisfactory high level of detailed justification to support the proposals. He stated that overdevelopment on the site was a material planning consideration and suggested that Members may take a different view of whether or not the proposed use was viable. He highlighted that detailed consideration had been given to medical welfare of the animals and every point where this had been queried, detailed responses had been provided by the agent. Consequently, officers did not have concerns regarding overdevelopment.
30. Councillor Barnett asked Mr Goddard for his view on road safety concerns associated with vehicles approaching horses at speed on Enborne Row. Mr Goddard noted that the demarcation between 30mph and the national speed limit of 60mph

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was a short distance to the east of the site, and he suggested that vehicles could be travelling faster than this past the site. However, he noted that the sight lines were very good, since the road was very straight and therefore it would be difficult for Highways to object. He stated that the Highway Code required motorists to slow down when passing horses, and with very good sight lines, he considered that drivers would have plenty of time to react and pass the horses and riders at an appropriate speed.

31. Councillor Moore asked if it would be possible to impose a condition requiring the applicant to pay for signage to highlight the entrance and the presence of horses. Mr Goddard indicated that this would be a matter for colleagues in Traffic Management. He suggested that if it became an issue, then the applicant could approach Traffic Management to ask if a sign could be installed.

### Debate

32. The Chairman reminded Members of the details of the application to be determined and of the need to focus on planning issues. He appreciated that this application was dealing with animal welfare, and that this was an emotive subject. He reminded Members that matters such as the address of the applicant, the visiting schedule, animal welfare, land management and security were not planning issues. He asked Members to concentrate the debate on planning issues, in order that the applicant and others could observe that the application had been thoroughly discussed.
33. Councillor Howard Woollaston opened the debate. He considered that the proposal represented overdevelopment of the site. He felt that trying to put two stables on a relatively small amount of land was not acceptable.
34. Councillor Vickers agreed and suggested that highway safety was also a material consideration. The agent had stated that he envisaged ponies with small children being led out onto a road where vehicles were travelling at 60mph. Councillor Vickers acknowledged that it was the owners responsibility to look after their children and animals, but he considered that the Committee had a responsibility to ensure that the permissions they granted did not introduce risks to all users of the public highway. The Chairman noted that the Highways Officer had given his professional view on this matter.
35. Councillor Culver disagreed that animal welfare was not a planning matter, and asked if the Committee would allow a tiny house to be built because it met certain regulations and policies, knowing that it would not be big enough for people to live in, and ignoring the advice of welfare organisations that stated that the space was too small.
36. Councillor Benneyworth noted that there were Local Plan policies relating to sustainability and animal welfare, so they were genuine planning considerations.
37. Councillor Hilary Cole disagreed with the Chairman and with officers' application of policy. She noted that it was up to the applicant to determine if the site was suitable for the purpose of keeping horses, but was pleased that the advice of the Animal Welfare Officer had been sought. When she had initially looked at the application she had thought it was straightforward, however the more consideration she gave it, the more she was inclined not to support the application. She felt that the Committee had a moral duty to consider animal welfare in the knowledge that it would be sub-standard in terms of space for ponies, which would quickly be outgrown. Despite the applicant advising that the ponies would not be reliant on the site for grazing, she did not consider that there would be adequate space for the animals to exercise.



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38. The Chairman indicated that his role was not to influence Members, but to direct them to the planning matters on which Members should focus.
39. Councillor Barnett indicated he would make his decision on the basis of comments made. Taking the Chairman's comments into consideration, he agreed with Councillors Woollaston and Hilary Cole and would not support the proposal.
40. Councillor Vickers agreed that it was a balanced application and accepted officers' views about the applicant's address being irrelevant. He noted that he had encountered many overdeveloped paddocks on his walks, where soil structure had been destroyed by not providing enough grazing land for equines, to the extent where the field had been turned brown. He proposed to reject officer's recommendation and refuse planning permission on the grounds of overdevelopment and highway safety, citing policy CS13. This was seconded by Councillor Woollaston.
41. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Howard Woollaston to refuse planning permission. At the vote the motion was carried.

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

### **Reasons:**

Members had concerns with overdevelopment of the site relating to failure to provide sufficient land for keeping of equines, contrary to policy and detrimental impacts on highway safety.

### **(3) Application No. and Parish: 18/03340/COMIND, Newbury Racecourse, Racecourse Road, Greenham**

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(3) by virtue of the fact that they were members of Newbury Town Council and Greenham Parish Council and their respective Planning and Highways Committees, which had discussed this application. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillors Phil Barnett and Tony Vickers declared that they had been lobbied on Agenda Item 4(3).)*

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/03340/COMIND in respect of Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) at Newbury Racecourse, Racecourse Road.
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, providing a Section 106 legal agreement is 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), the Head of Development and Planning be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

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3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the building had been used as a hotel, rather than a hostel, since the original planning application in 2016 was granted. He was not aware of any highways issues relating to its current use and had no objections to its continued use as a hotel. He noted the original application from 2009 made provision for a hotel with 123 bedrooms within the racecourse site, and subject to the constraint of 123 bedrooms being retained somewhere on the site, officers had no objection to the proposal.

### 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 Raymond Beard, objector. Mr Beard attended the meeting.
7. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MIId=5741&Ver=4>

### Objector's Submission

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

### Ward Member Representation

9. Councillor Phil Barnett in addressing the Committee raised the following points:
  - It was difficult for him to voice his total opinion on this application and the application in Agenda Item 4(4) due to repeated delays in determining the proposals and changes in circumstances over the last decade, since the first application was submitted.
  - Residents of Greenham Parish and Newbury Town had kept a close eye on the racecourse in recent years as applications had progressed and developments had been built.
  - Residents of these developments had become part and parcel of the local community, and had to endure considerable changes, and had their expectations dashed a considerable time after taking residency, when original planning conditions were changed.
  - A new hotel in the east of the site complex was agreed and expected to be built, with open space retained around the stable lads' lodge, which was the replacement for the original hostel.

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- These proposals were outlined in the original application and were intended to formalise the temporary agreement two years ago, which was for a year-round operation, whereas the stable lad's requirement would only be for up to 25 race days per year.
- The proposal would have considerable impact on quality of life for local residents, particularly late in the evening and in the summer months when private functions would be the mainstay for the hotel. Also, he did not feel that residents would take up the offer to make use of the hotel facilities.
- The hostel was a replacement for the original stable lads' accommodation, which would not be fitted out to the same standard as expected by professionals. For example, he understood that the space in the rooms was very limited.
- There had been several changes made that were not expected when the proposal was first put forward. Would the original site become defunct? Would there ever be a community facility, which was desperately needed?

### **Members' Questions to the Ward Member**

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

### **Members' Questions to Officers**

11. Councillor Hilary Cole sought confirmation that this application related to a technical issue regarding a change to the Section 106 agreement, with a maximum of 123 hotel rooms to be provided across the whole site rather than in a separate hotel. Mr Till stated that the previously approved hotel would not be developed while the hostel was in use as a hotel, and the Committee was asked to consider whether limiting the number of hotel bedrooms would have the same impact as not providing hotel accommodation beyond what had already gained approval. As such, it was a technical consideration of how the Section 106 agreement would deliver on the previously agreed requirement.
12. Councillor Hilary Cole indicated that it was self-evident that the 36 room hostel had accommodation was far superior to what would be expected for use by stable personnel. She sought confirmation that the proposal was to build 40 new rooms, increasing the total to 76 rooms, and if the Committee were to agree to 123 rooms over the site, a further 47 rooms could be built in future. Mr Till confirmed that Agenda Item 4(3) related to the change of use of the hostel, while Agenda Item 4(4) was for a 40 room extension and that the two applications together amounted to 76 rooms, leaving a balance of 47 rooms.
13. Councillor Tony Vickers asked what would happen if the Committee were minded to refuse this application, apart from the fact that the subsequent agenda item did not need to be discussed as it was reliant on this application being approved. He suggested that the applicant might appeal or the application might be referred up to District Planning Committee as it was contrary to policy. He asked officers to confirm the consequences of a decision to refuse. Mr Till highlighted the fact that there were two suggestions in the officer's report; one was that the changes to the legal agreement be accepted, and the other was that they be refused. He suggested that a further option would be for the resolution to revert to that made at the 2019 Committee meeting, whereby within three months, the legal agreement should secure that no development of the extant hotel permission were to take place, or that it was refused at that point.

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14. The Chairman asked if the Committee were to refuse the application, whether this would default to the third option outlined above. Mr Till stated that it would not, because the deadline in the previous resolution had expired.
15. Councillor Hilary Cole sought confirmation that the current permission for the extension had lapsed. Mr Till stated that the current permission for the use of the lodge as a hotel had expired, and the current resolution for construction of the extension, and for the change of use of the Lodge had expired.

### Debate

16. Councillor Hilary Cole opened the debate. She indicated that she was irritated by this application and the subsequent one, because this accommodation had originally been for stable hands and she understood residents' concerns. However, she noted that there had been just two formal complaints about noise. She suggested that this was a "tidying up exercise" and the Committee had to decide whether to approve the new application or stick with the current use. She indicated that she would prefer the former, but was concerned about the outstanding balance of rooms.
17. Councillor Hilary Cole proposed to accept officer's recommendation and grant planning permission, providing that a Section 106 legal agreement was 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), subject to the conditions outlined in the main and update reports. This was seconded by Councillor Howard Woollaston.
18. Councillor Vickers suggested, but did not formally propose that the Committee should refuse the application and revert to the previous agreement.
19. Councillor Barnett agreed with Councillor Vickers and indicated that he would vote against the proposal from Councillor Hilary Cole.
20. Councillor Andy Moore asked for clarification as to what would happen if the officer's recommendation were to be rejected. Mr Till stated that if the proposal was carried, the Section 106 agreement would secure a maximum of 123 hotel bedrooms across the site. If the proposal was not approved, and if Councillor Vickers' proposal were to come forward, then this would revert to the previous resolution to secure, via the Section 106 agreement, that the 123 bedroom hotel was not developed on the site. If this agreement could not be secured, then the application would be refused. If this proposal was not carried, then the final proposal would be to refuse the applications outright.
21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, and seconded by Councillor Woollaston, to grant planning permission, providing that a Section 106 legal agreement is 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), subject to the conditions outlined in the main and update reports. At the vote the motion was carried.

**RESOLVED that** the Head of Development and Planning be authorised to GRANT planning permission, providing that a Section 106 legal agreement is 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), subject to the conditions below

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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 Access**

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

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

#### **2. External Lighting**

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

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

#### **3. Noise Management Plan**

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

- 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.

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.

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

#### **4. Availability of café/bar to public**

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:

- when there is a private function, which has exclusive use of The Lodge; or
- when the café/bar area is otherwise closed.

Unless an alternative arrangement is submitted to and agreed in writing by the Local Planning Authority.

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.

### **Heads of Terms for Section 106 Agreement**

#### **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.

**Refusal Reason**

**1. Planning obligation**

The application fails to provide an appropriate planning obligation to prevent the overprovision 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.

**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.

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

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(4) by virtue of the fact that they were members of Newbury Town Council and Greenham Parish Council and their respective Planning and Highways Committees, which had discussed this application. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillors Phil Barnett and Tony Vickers declared that they had been lobbied on Agenda Item 4(4).)*

1. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 19/00225/COMIND in respect of the erection of a three storey extension to the front elevation of The Lodge to provide additional rooms The Lodge at Newbury Racecourse, Racecourse Road.
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 Development and Planning be authorised to grant planning permission, subject to the completion of a Section 106 legal agreement, and 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 highlighted the comments in section 4.1 of the report. He confirmed that officers had raised concerns at the level of parking available within the proposal on race days. However, the applicant had given assurances that they had an effective car park

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management system in place that should ensure that parking was managed, and that there would be sufficient parking for this proposal on race days. As a result, officers were satisfied with the proposal and had no objection.

### 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 Raymond Beard, objector. Mr Beard attended the meeting.
7. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5741&Ver=4>

### Objector's Submission

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

### Ward Member Representation

9. Councillor Phil Barnett in addressing the Committee raised the following points:
  - He observed that there was a lot more accommodation in and around Newbury than ever before.
  - Fewer people were travelling now, even taking Covid-19 into consideration, and it was likely that this trend would continue in future, so he questioned whether there would be a need for additional overnight accommodation in future.
  - Access to the site was not straightforward, and many people would prefer to stay at a hotel on the major road network. Therefore, this additional accommodation would only be required for special events or race days.
  - Although there had only been two formal requests for noise and disturbance to be investigated, as a local Ward Member, he had been called on many occasions in the last 2 to 3 years regarding disturbance at the back of the complex. Local residents had been affected by the existing accommodation.
  - The Rocking Horse Nursery was located round the corner from the application site, and it would not be desirable for outside drinking to take place where it could affect young children.
  - Parking issues would need to be addressed. If the proposal were to be approved and occupied to its maximum capacity, this could attract a large number of vehicles. This could affect residents' parking, which was already restricted.

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### **Member's Questions to the Ward Member**

10. Councillor Hilary Cole noted that Councillor Barnett had been approached by residents about previous disturbances at the site, and asked if he had reported these to Environmental Health or encouraged residents to do so. Councillor Barnett indicated that he had advised residents to report the issue directly. He stated that a number of residents had notified the Environmental Health Team in relation to a particular disturbance at the time of the Hennessy Gold Cup weekend. However, residents had felt that their concerns had not been addressed by the team. He observed that issues were not always related to noise, and other anti-social, alcohol related behaviour took place on occasion.

### **Members' Questions to Officers**

11. The Chairman asked for clarification on potential parking issues, particularly if the hotel were to be fully occupied. He asked if the priority would be for hotel guests, and if the parking area was normally available to people attending race meetings. Mr Goddard indicated that there would be a surplus of 20 spaces on a race day with the hotel occupied. There was no evidence that there would be a shortfall, although it was getting close to it.

### **Debate**

12. Councillor Tony Vickers opened the debate. He did not see the point in refusing this application after the last one had been approved. He suggested that having most of the rooms in one place would make it less likely to have further smaller facilities situated on the site, since they would be more difficult to manage. He was disappointed as he had supported the original racecourse development back in 2009, since it represented an excellent site for housing due to its sustainability. However, it had become apparent that the racecourse was only interested in the housing as a cash cow, and they were not interested in providing a community or creating footfall in Newbury Town Centre. He suggested that having a hotel on the site would make it less likely for people to spend time in Newbury. However, there was no opportunity to change that through the planning process. It was obvious to him that the Racecourse considered itself to be an entertainment business with houses on the side. He observed that although it was a strategic housing site, it was not becoming a community.
13. Councillor Hilary Cole agreed with Councillor Vickers, but noted that the 40 bedrooms had been granted as part of a previous application, so she did not see any alternative, but to approve this one. She expressed concern about where the balance of the 47 remaining rooms would be built out. She considered it to be piece-meal development rather than a well-thought-out business plan, and suggested that the racecourse should have already thought about the implications of the investment in a larger hotel, rather than cobbling together the stable hands accommodation.
14. Councillor Hilary Cole proposed to accept officer's recommendation and grant planning permission subject to a Section 106 agreement being secured and subject to the conditions listed in the main report and update report. This was seconded by Councillor Andy Moore.
15. Councillor Dennis Benneyworth agreed with Councillor Hilary Cole and wondered about the commercial viability of the project, but indicated that was a matter for the applicant to consider.
16. The Chairman noted that the business plan was discussed at the previous meeting when it had been suggested that the funding for the hotel should have been agreed at the early stages of the project.



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17. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Andy Moore to grant planning permission subject to a Section 106 agreement being secured and subject to the conditions listed in the main report and update report. At the vote the motion was carried.

**RESOLVED that** providing 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.

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. Three years for commencement**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

#### **2. Approved drawings**

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

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

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

#### **3. Materials**

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

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

#### **4. Construction Management Plan**

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if any)
- (e) Wheel washing facilities

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- (f) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (g) HGV haul routes
- (h) the control of noise
- (i) the control of dust, smell and other effluvia;
- (j) the proposed method of piling for foundations (if any);
- (k) hours during the construction when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policies OVS6 and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **5. Parking in accordance with drawings**

The 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.

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

### **6. Cycle Storage**

The 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.

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

### **7. Electric vehicle charging points**

The approved 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.

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

### **8. BREEAM**

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.

## **WESTERN AREA PLANNING COMMITTEE - 17 MARCH 2021 - MINUTES**

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

### **9. Hours of construction work**

No work relating to the 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.

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

### **10. Noise from mechanical plant**

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

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

### **11. SuDS**

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:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- 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;
- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development.

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

## WESTERN AREA PLANNING COMMITTEE - 17 MARCH 2021 - MINUTES

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.

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.

### Heads of Terms for Section 106 Agreement

#### 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.

### Refusal Reasons

#### 1. Planning obligation

The application fails to provide an appropriate planning obligation to prevent the overprovision 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.

### 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.

### 51. Appeal Decisions relating to Western Area Planning Committee

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

*(The meeting commenced at 4.30 pm and closed at 9.35 pm)*

**CHAIRMAN** .....

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

# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	20/03074/COND3 Chieveley Parish	23 <sup>rd</sup> February 2021 <sup>1</sup>		<p>Application for approval of details reserved by condition 15 (highways - cms) of approved 18/01161/COMIND - Construction of a single-storey primary school building and associated two-storey boarding house incorporating a part-lower ground floor area for use by Mary Hare Primary School (and to facilitate the relocation of the current Mary Hare Primary School from its current Mill Hall site); two-storey business centre comprising earmould manufacturing facility, audiology clinics, hearing aid repair shop (HARS) and conference centre rooms; single storey vocational classroom block for existing secondary school and single storey works facility to replace existing; formation of extended access road to primary school building; reconfiguration of existing car parking including provision of additional car/cycle parking; provision of new/reconfigured hard and soft landscaping to include a new external covered space to front of existing Blount Hall secondary school building; and other related works.</p> <p>Mary Hare Grammar School, Arlington Manor, Snelsmore Common, Newbury, RG14 3BQ</p> <p>Mike Smithers - Beard Construction</p>

<sup>1</sup> Extension of time agreed with applicant until 30<sup>th</sup> April 2021

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/03074/COND3>

**Recommendation Summary:** To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the schedule of conditions (Section 8 of the report)

**Ward Member(s):** Hilary Cole, Garth Simpson

**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

<b>Name:</b>	Cheyanne Kirby
<b>Job Title:</b>	Planning Officer
<b>Tel No:</b>	01635 519489
<b>Email:</b>	Cheyanne.kirby@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks approval of conditions reserved by condition 15 (Highways Construction Management Statement) of previous permission which granted planning permission relating to Construction of a single-storey primary school building and associated two-storey boarding house incorporating a part-lower ground floor area for use by Mary Hare Primary School (and to facilitate the relocation of the current Mary Hare Primary School from its current Mill Hall site); two-storey business centre comprising earmould manufacturing facility, audiology clinics, hearing aid repair shop (HARS) and conference centre rooms; single storey vocational classroom block for existing secondary school and single storey works facility to replace existing; formation of extended access road to primary school building; reconfiguration of existing car parking including provision of additional car/cycle parking; provision of new/reconfigured hard and soft landscaping to include a new external covered space to front of existing Blount Hall secondary school building; and other related works.
- 1.2 The application site is Mary Hare Grammar School, located to the north of Newbury within the North Wessex Downs AONB.
- 1.3 This application is seeking to discharge condition 15 of the approved outline planning permission 18/01161/COMIND. That condition stated;

***"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) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing***
- (e) Wheel washing facilities***
- (f) Measures to control the emission of dust and dirt during construction***
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works***

***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 (March 2012), 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)."***

## 2. Planning History

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

Application	Proposal	Decision / Date
18/01161/COMIND	Construction of a single-storey primary school building and associated two-storey boarding house incorporating a part-lower ground floor area for use by Mary Hare Primary School (and to facilitate the relocation of the current Mary Hare Primary School from its current Mill Hall site); two-storey business centre comprising earmould manufacturing facility, audiology clinics, hearing aid repair shop (HARS) and conference centre rooms; single storey vocational classroom block for existing secondary school and single storey works facility to replace existing; formation of extended access road to primary school building; reconfiguration of existing car parking including provision of additional car/cycle parking; provision of new/reconfigured hard and soft landscaping to include a new external covered space to front of existing Blount Hall secondary school building; and other related works.	Approved – 24 <sup>th</sup> August 2018
18/01972/FUL	Retrospective planning permission to retain three timber interlocking log cabins to provide workshop and classroom space for the delivery of vocational subjects to Special Needs deaf students aged 16 to 18 years old and for a temporary period of 2 years	Approved – 18 <sup>th</sup> October 2018
20/01126/NONMAT	Non material amendment to approved 18/01161/COMIND - Amendments Lower finish floor level of the building by 1m, add reinforced banking, adjust the school floor plan, changes to landscape, road alignment, ventilation and changes to the primary school roof.	Approved – 7 <sup>th</sup> July 2020
20/02752/NONMAT	Non material amendment to approved 18/01161/COMIND - Amendments: Amended wording to Conditions 2, 9, 10, 11, 13, 15 & 16 to enable the phased construction of the proposed development and the phased discharge of conditions.	Approved – 17 <sup>th</sup> December 2020
20/03073/COND2	Application for approval of details reserved by condition 2 (materials) of approved 18/01161/COMIND - Construction of a single-storey primary school building and associated two-storey boarding house incorporating a part-lower ground floor area	Approved – 12 <sup>th</sup> February 2021

	for use by Mary Hare Primary School (and to facilitate the relocation of the current Mary Hare Primary School from its current Mill Hall site); two-storey business centre comprising earmould manufacturing facility, audiology clinics, hearing aid repair shop (HARS) and conference centre rooms; single storey vocational classroom block for existing secondary school and single storey works facility to replace existing; formation of extended access road to primary school building; reconfiguration of existing car parking including provision of additional car/cycle parking; provision of new/reconfigured hard and soft landscaping to include a new external covered space to front of existing Blount Hall secondary school building; and other related works.	
21/00176/FUL	Part retrospective retention of 3 x timber interlocking cabins and erection of 1 x timber interlocking cabin to provide workshop and classroom space for the delivery of vocational subjects to special needs deaf students aged 16-18 years old and for a temporary period of 2 years	Approved – 1 <sup>st</sup> April 2021
21/00297/NONMAT	Non material amendment to approved application 18/01161/COMIND - Construction of a single-storey primary school building and associated two-storey boarding house incorporating a part-lower ground floor area for use by Mary Hare Primary School (and to facilitate the relocation of the current Mary Hare Primary School from its current Mill Hall site); two-storey business centre comprising earmould manufacturing facility, audiology clinics, hearing aid repair shop (HARS) and conference centre rooms; single storey vocational classroom block for existing secondary school and single storey works facility to replace existing; formation of extended access road to primary school building; reconfiguration of existing car parking including provision of additional car/cycle parking; provision of new/reconfigured hard and soft landscaping to include a new external covered space to front of existing Blount Hall secondary school building; and other related works. Amendment - Approved plans	Approved – 9 <sup>th</sup> March 2021



### 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.

### 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.

<b>Winterbourne Parish Council:</b>	Object to use of Arlington Lane for construction access. No response received to the consultation on the amended details
<b>Chieveley Parish Council:</b>	No Objections to the amended details received on 26 <sup>th</sup> March 2021
<b>WBC Highways:</b>	No Objections to the amended details received on 26 <sup>th</sup> March 2021

#### *Public representations*

- 4.2 Representations have been received from 18 contributors, 18 of which object to the proposal. – These were received prior to the amended details
- 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:
- Use of Arlington Lane for construction traffic
  - Damage to road, verges and hedgerow
  - Blocking of resident accesses
  - Safety concerns

### 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 CS13 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

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

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Whether the construction method statement is acceptable

### ***Principle of development***

6.2 The principle of the development on this site was established through the granting of planning permission (planning permission reference 18/01161/COMIND). This application is one of many pre-commencement conditions to 18/01161/COMIND, and the matter to be considered is whether the proposed construction method statement is acceptable.

### ***Highways***

6.3 No objections have been raised to the amended Construction Management and Environmental Plan Dated 25/03/2021 Rev A and the Traffic Management Plan received on 26th March 2021.

6.4 Arlington Lane will not be used for construction traffic, the access to the works will be such that vehicles will be able to pull in off the B4494 into the Mary Hare school grounds without disrupting the local traffic. Vehicles will be required to turn around on site and leave via a one way system exiting onto the Oxford Road, therefore no need to reverse on or off the highway.

6.5 Traffic will be managed by banksmen who will direct the vehicles around the site.

6.6 No access for construction traffic signs will be placed at the end of Arlington lane both at the junction with the Oxford Road and the B4494.

## **7. Planning Balance and Conclusion**

7.1 The amended construction method statement details submitted now direct construction traffic away from Arlington Lane and instead use a one way system using the access off the B4494 and exit via the access onto Oxford Road. Safety measures have also been put in place in order accommodate this proposed changes. The amended scheme is now considered to be acceptable in accordance with Policy CS13 of the West Berkshire Core Strategy and Policy TRANS.1 of the West Berkshire Local Plan (Saved Policies)

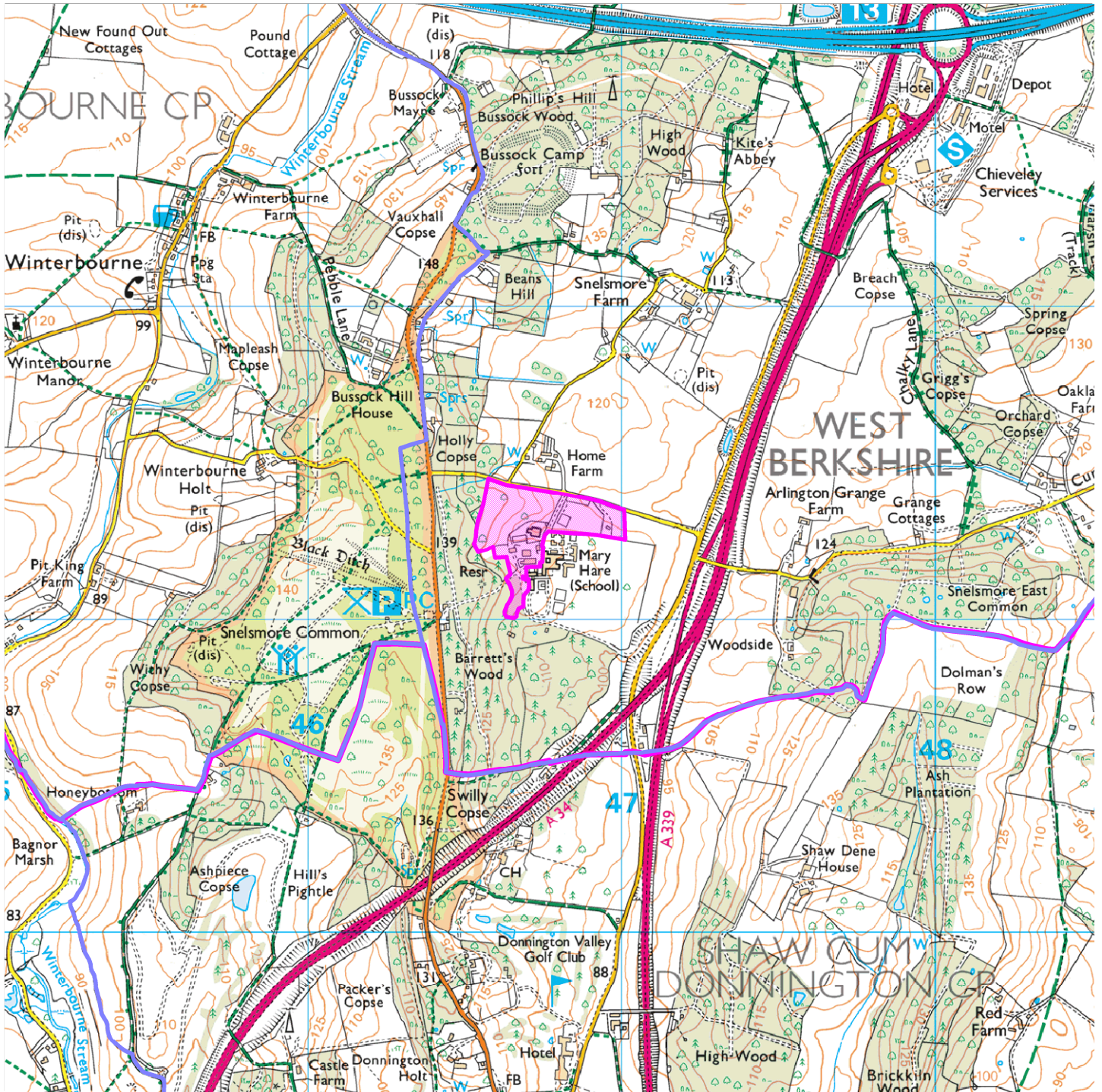
## **8. Full Recommendation**

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

## **Conditions**

1.	<p><b>Condition 15</b></p> <p>The details submitted in relation to Condition 15 are hereby approved by the Local Planning Authority. To fully comply with these conditions, the development must be carried out in accordance with the full terms of the conditions as set out in the decision notice, and in accordance with the following approved details:</p> <p>Construction Management and Environmental Plan Dated 25/03/2021 Rev A received on 26th March 2021; Traffic Management Plan received on 26th March 2021.</p>
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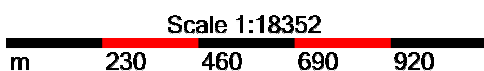
Map Centre Coordinates :

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	19 April 2021
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	19/02979/OUTMAJ Lambourn	17 February 2020 <sup>1</sup>	Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale  Land South of Tower Works, Ramsbury Road, Lambourn Woodlands, Hungerford  Walker Logistics Limited

<sup>1</sup> Extension of time (date to be confirmed)

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02979/OUTMAJ>

**Recommendation Summary:** To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8 of the report)

**Ward Member(s):** Councillor Howard Woollaston

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

**Committee Site Visit:** N/A

## Contact Officer Details

**Name:** Simon Till  
**Job Title:** Team Leader (West)  
**Tel No:** 01635 519111  
**Email:** Simon.till@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks outline planning permission for the erection of a logistics warehouse, together with ancillary office space and an aircraft museum. In this outline application the scale of the building is to be considered, while detailed considerations in respect of access, appearance, landscaping and layout are to be held over to a subsequent “reserved matters” application should outline planning permission be granted.
- 1.2 In terms of scale the applications is supported by drawings indicating that the proposed building would have an overall footprint of approximately 12,560 square metres and a maximum height of 12.587m. The proposed museum building would have a maximum height of 11.4 metres.
- 1.3 The application site is located outside of any defined settlement boundary in land defined as countryside under Policy ADPP1 of the Core Strategy. It consists an agricultural field that to the west is bordered by a dense boundary of trees separating it from the Membury airfield runway. To the north and south adjoining the site are industrial buildings within the Membury Protected Employment Area, which to the east is the Ramsbury Road and open agricultural land.

## 2. Planning History

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

Application	Proposal	Decision / Date
19/01123/SCREEN	EIA Screening Opinion made under Regulation 6 of the Town and Country Planning (EIA) Regulations 2017 (as amended)	Response issued 03/06/2019

## 3. Procedural Matters

- 3.1 The latest proposed development falls within the column 1 description at paragraph 10 (a) (Industrial Estate Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. An EIA screening exercise has been completed (reference 19/01123/SCREEN issued 03 June 2019). The proposed development exceeds the threshold in column 2 of Schedule 2 (more than 0.5 hectares of industrial development). Taking into account the selection criteria in Schedule 3 it was not considered that the proposed development was considered likely to have significant effects on the environment within the meaning of the regulations, and that the development is not EIA development. Therefore an Environmental Statement is not required in terms of the EIA Regulations.
- 3.2 A site notice was displayed on 09 December 2019. An advertisement was published in the Newbury Weekly News on 12 December 2019. The application was advertised as a departure from policy and a major development in line with the requirements of legislation. The deadline for representations expired on 23 December 2019.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged



on residential (C3 and C4) and retail (A1 - A5) development. CIL is not considered in this report.

## 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.

<b>Lambourn Parish Council:</b>	<p>Object:</p> <p>Outside Protected Employment Area; setting a precedent for more development in green fields; unacceptable within the AONB; visual impact within the AONB; additional vehicle movements; unacceptable development creep; PEA should not be joined up with loss of open space.</p>
<b>WBC Planning Policy:</b>	<p>National and local planning policies seek to support a sustainable rural economy, whilst also protecting nationally designated landscapes such as AONBs which this site falls within. The case officer will therefore need to ensure that sufficient justification has been given for the need for the development in this particular location. ADPP5 states that the conservation and enhancement of the natural beauty of the landscape will be the paramount consideration in assessing sites, and as such the case officer will also need to satisfy themselves that the applicant has provided sufficient evidence to show that the proposals are appropriate in this regard. The Employment Land Review (ELR) is an important evidence document when considering the economic case, and the balance to be applied when assessing whether the scheme is sustainable development. The demand for space at the site, adjacent to the existing business during the pandemic is also an important factor.</p> <p>The Local Plan Review to 2037, at Policy SP21, seeks to extend the Designated Employment Areas (known in the Core Strategy as Protected Employment Areas), and allocated space for 27,600 square metres of B2 and B8 employment floorspace on a larger area at the application site. The policy is at an early stage, and the recent consultation highlights comments which require further consideration and refinement of the policy prior to the next stage, Regulation 19. Therefore, whilst the Local Plan Review shows the direction of travel, limited weight is to be attached to the emerging policies.</p> <p>Current local policy also seeks to assess the compatibility of the proposal with uses in the surrounding area as well as any potential impacts on those uses; and, the capacity and impact on the road network and access by sustainable modes of transport. It is also considered necessary to seek the views of the Council's Highways and Transport Policy teams with regard to the impact on the road network and sustainable transport modes.</p>

	<p>Overall, there are balancing issues to weigh up in the consideration of whether the scheme represents sustainable development. The policy response aims to provide an update on the evidence and information that has emerged since the last planning policy response, which are important in this balancing exercise.</p>
<p><b>WBC Economic Development:</b></p>	<p>After considering the evidence submitted, and reviewing what alternative sites may be available within the district, I would suggest that the impact of the proposal would have significant economic benefits to West Berkshire and that it should therefore find favour.</p> <p>The plans as described would lead to a number of new jobs, both during and after construction, and the additional capacity that a logistics firm such as Walker Logistics would need in order to grow resilience post-Covid 19 and post-EU Exit.</p> <p>I was alarmed to read the assessment of alternative options for the company and would be very concerned about the prospect of them leaving the district for elsewhere in the country. At a time when local unemployment is higher than at any point in recent memory, I would be gravely worried about the loss of these roles to another area.</p> <p>The growth of a business such as Walker Logistics is also welcome because of possible new training opportunities it may create. I would welcome the chance to discuss with them what further employment opportunities, perhaps through use of recently announced government schemes, they might be able to offer to some of the district's young people who have been most Impacted by Covid-19.</p> <p>In summary, from an Economic Development point of view, I would be supportive of this application as it allows a significant local employer to not only remain in West Berkshire, but to expand and consolidate its future success.</p>
<p><b>WBC Highways:</b></p>	<p>Walker Logistics, Ramsbury Road, Membury</p> <p>10,381 sqm of B8 use with an ancillary 1,143 sqm B1 office use.</p> <p>1. I refer to my previous response dated December 31st 2019. I also refer to the traffic survey results received on February 27th 2020.</p> <p><u>Traffic Generation</u></p> <p>2. As stated previously, to project traffic generation, data has been obtained during November 2017 from traffic surveys carried out at the existing Walker Logistics site located off Ramsbury Road. It is understood that the proposed logistics building will operate in a similar manner and therefore traffic levels have been increased on a pro rata basis to project traffic levels. I am content with this approach which projects the following:</p>

	Arrivals Total Vehicles (HGV's)	Departures Total Vehicles (HGV's)	Two-Way Total Vehicles (HGV's)
Weekday AM 08.00 to 09.00	9 (3)	3 (2)	12 (5)
Weekday PM 17.00 to 18.00	5 (4)	11 (5)	16 (9)
Weekday daily	76 (47)	77 (48)	153 (95)

Projected additional development traffic levels

3. The TA states on page 14 that “as per the existing Walker Logistics operations, the proposed development will primarily operate on weekdays, Monday to Friday only, and will be closed at weekends. However, if requested by customers, it will open on the occasional weekend for stock checks. It is estimated that weekend stock checks will occur 4-6 times per year at most” with “2 to 6 staff”. It would therefore appear that any weekend traffic would be somewhat minimal, but I would expect conditions for opening hours to be applied in the usual way, should the proposal be approved.

Traffic Impact

4. As requested in my previous response, the applicants commissioned the attached seven day classified traffic survey using an Automatic Traffic Counter (ATC) on the B4000 Ermin Street in Lambourn Woodlands, situated to the east of the staggered junction with the B4000 and Hilldrop Lane. The following five weekday average in data was obtained between the hours of 07:00 to 19:00 with HGV figures in brackets:

2,337 (63) eastbound

2,327 (74) westbound

5. To attempt to ascertain any particular trend in traffic levels along the B4000, I have compared this data with two sets of data taken nearby previously. The first and more recent set was taken on the B4000 Ermin Street in Lambourn Woodlands near Battens Farm Cottages. The following was obtained between the hours of 07:00 to 19:00 with HGV figures in brackets:

25/05/2012 1,188 (59) eastbound

39/05/2012 1,147 (51) eastbound

30/05/2012 1,117 (48) eastbound

25/05/2012 1,256 (102) westbound

29/05/2012 1,059 (107) westbound

30/05/2012 1,002 (101) westbound

6. I have also found a further earlier set again taken on the B 4000 Ermin Street, in Woodlands St Mary near Inholmes. The

following was obtained between the hours of 07:00 to 19:00, again with HGV figures in brackets:

15/10/2009 2,063 (111) eastbound

16/10/2009 2,093 (81) eastbound

15/10/2009 1944 (114) westbound

16/10/2009 2168 (89) westbound

7. The data that I have found is not as extensive as I would have liked it to have been. Batten Farm Cottages is to the west of the staggered junction with the B4000 and Hilldrop Lane which has provided a significantly lower figure than traffic flows to the east of the junction. Comparing the data to the 2009 data, I would consider that overall there is some evidence to suggest that there has been an increase in overall traffic since 2009, but levels of HGV's do seem to be constant or may even have reduced since 2009 and 2012. Either way, from the data, it is difficult to argue that there has been an increase in HGV traffic over the years.

8. What is often asked, is what limit is there of traffic that can be accommodated on a road such as the B4000? As stated previously, there is no particular threshold or formula that would provide a limit for how much traffic the B4000 can accommodate, particularly as the highway authority is unaware of any significant traffic congestion in the area. What could provide a limit is whether there is a Personal Injury Accident (PIA) issue along the route, and from my previous response I determined that there wasn't one.

9. There is a potential further unit of measurement contained within the Design Manual for Roads and Bridges (DMRB) Volume 5 Section 1 Part 3 TA79/99 Amendment No 1: Traffic Capacity of Urban Roads sets out one way hourly flows in each direction for urban roads. (I appreciate that this isn't an urban road, but this would be a more onerous standard for the applicant. A 6.75 metre wide road is given a capacity of 900 vehicles in each direction per hour of 10,800 per day. Much of the B4000 has this width of road, and clearly traffic levels are nowhere near this threshold.

10. Paragraph 109 of the National Planning Policy Framework 2019 states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

11. I can therefore conclude that while the expected traffic increases from the development particular HGV's is not insignificant, from the evidence obtained, it is not in my view significant to be "severe" enough to raise objection.

Sustainability

12. As stated previously, I am concerned regarding how unsustainable this site is. The nearest bus stop is 1.9 km away and is served by just one service each way per day. Along Ramsbury Road there are no footways present on either side of the carriageway and no street lighting. Therefore it is not desirable or even possible to walk to the nearest bus stop. I would also add that it is also not desirable to cycle to the vicinity, particularly along the B4000. In response CEC have provided a Travel Plan (TP).

13. The main proposal within the TP is to provide and operate a staff mini-bus service between Swindon and the site. It is understood that the majority of existing permanent staff are based in Swindon with anticipation that the catchment area of future staff will also largely be from Swindon.

14. It is also understood that Walker Logistics currently employ a proportion of temporary contract staff at their existing premises, with this continuing for the proposed development. Temporary staff are recruited via an agency (Gravity Personnel) who have offices in both Reading and Swindon. Gravity Personnel currently provide an in-house mini-bus service for their staff between Reading and the existing Walker Logistics site. It is anticipated that this service will continue to operate and will serve both Walker Logistics' sites in the future and could be expanded to link the Swindon area should Agency staff also be employed from there. A further measure is that staff will be encouraged to car share where possible from an in-house car-sharing database to assist staff to find car sharers that live near them.

15. Colleagues in Transport Policy will need to comment on the TP in further detail, but I can state that in my view, a TP does not resolve the significant sustainability issues raised above. I would state that I would not expect a TP to be particularly effective or useful in this location. It cannot be guaranteed that staff will be a certain type or be recruited from a certain area. The highway authority is also aware of previous sites across the district where the provision of a mini bus has been promised, but then due to costs it then isn't retained for that long. The latest example being the Harrods Distribution Centre that is a much larger site than this proposal, and is in the relatively sustainable location of Thatcham. A further issue is that there isn't staff resourcing within the Council to monitor TP's for smaller developments of this size.

#### Conclusion

16. I conclude that no objection is raised by the highway authority on traffic grounds. However objection could be raised by the highway authority on sustainability grounds. It has been policy of the Highways Development Control for some time to try and resist expansion of the Membury Industrial Estate due to how unsustainable the location is. It could be considered that if the Climate Emergency is to be taken seriously then this proposal should be resisted.

<b>WBC Transport Policy:</b>	<p>It is clear that the site is unsustainable location, with non-car access to the site virtually impossible. Bearing this in mind, the accompanying Travel Plan Statement outlines the measures (particularly the commitment to provide a staff bus service and car-sharing scheme) that the occupier will look to use to reduce car journeys to the site. These measures will need to be effectively delivered and sustained if they are to make an effective and lasting contribution towards reducing car trips to the site. This is especially pertinent when considering the Council's Declaration of a Climate Emergency.</p> <p>However, I have concerns regarding the coverage of the bus service given that only two collection points are proposed in the Swindon area and that there appears to be no committed time period for which the service would operate. The latter is especially concerning as the service could be at risk of withdrawal should the site operator deem it not to be viable. Given that the bus service is considered to be the main focus outlined in the TPS for supporting sustainable travel to the site, greater certainty and commitment needs to be provided that the service will operate for a sustained period of time.</p>
<b>WBC SuDS Drainage engineer:</b>	No objections subject to a condition requiring provision of SuDS.
<b>WBC Environmental Health:</b>	No objections subject to conditions in respect of noise impact, construction management and lighting.
<b>WBC Landscape Consultant:</b>	<p>Consultation response:</p> <p>The site is set within the North Wessex Downs AONB. As stated within ADPP5, new development will need to conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness. Development will need to respond positively to the local context and respect identified landscape features and components of natural beauty. The site is considered major development within the AONB, therefore para 172 within the NPPF will apply which states</p> <p>“planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: c) any detrimental effect on the environment, the landscape and recreational opportunities.”</p> <p>A Landscape Visual Assessment (LVA) has been provided as part of the application to assess the impact and effect on the landscape. As detailed above the LVA has been overly biased towards the proposals within its assessment and has omitted key aspects which has led to a number of conclusions which I cannot agree to or support.</p> <p>The proposal will result in a direct loss of an open field of pasture which contributes to a key characteristic as described as the</p>

mixed mosaic of woodland/ arable and pasture farmland within the Lambourn Wooded Downs of the NWD AONB. The proposal will not conserve or enhance this area of the AONB by replacing a field of pasture with a large scale building, a large area of hardstanding for over 100 cars, an entrance with signage, which will all result in a further change of the landscape character from rural to more suburban all set within the AONB. The proposal will also exacerbate the visual impact of existing development which is out of character at this location which will further detract from the rural qualities of the area. Increased traffic will have a further adverse impact on the rural quality of Ramsbury Road and tranquillity levels within the wider area. The proposals therefore do not comply with Policy ADPP5 and CS19 of the West Berkshire Core Strategy.

As stated within Policy CS 14: New development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The proposals have been developed over time to produce the best layout for the site. Primary mitigation measures have been designed to reduce the visual impact of the building, by sensitive siting, colour and location; secondary mitigation measures have been proposed which includes extensive native tree planting, which is not out of context within the surrounding landscape pattern. However, the proposed development would still merge two PEAs and initially cause a loss of the rural character of this section of Ramsbury Road. Although the main building's present siting is towards the rear of the site with a wide band shown for landscaping; any proposed planting will take time to mature to be effective in screening and mitigating the massing and scale of the proposal, although the entrance and signage would always be visible from Ramsbury Road. The proposal would also intensify the impact of commercial development within this part of the AONB, including increased traffic on the rural road network, which would also be contrary to conserving and enhancing adjacent areas of the AONB.

Additionally, developing this site would then weaken the case for developing the site adjacent the silo towers, which would have an adverse effect on the amenity value of adjacent Honeysuckle Cottage and Cuckoo Cottage. Furthermore, allowing a gap to be included within the woodland belt could also open up the western area of this site to development pressure.

A further response was provided to the case officer in seeking clarification on certain matters:

Question: In respect of the site, we have discussed its level of importance within the AONB. Whilst not seeking to detract from the protected landscape status, my feelings are that the views of this site are quite localised, and that their main contribution to landscape quality is to the openness of views, particularly from Ramsbury Road. What are your views on this?

Answer: The views are localised and they do contribute to a sense of openness along the short adjacent section of road

Question: In respect of its contribution to landscape quality, in light of its position alongside the existing protected employment area and its associated industrial character buildings, and in consideration of the dense belt of trees to the boundaries of the site, my view is that the loss of this site in those views would be of a considerably lesser level of harm to the character and setting of the AONB than that of a more exposed site that was visible from more public view points. What are your views on this?

Answer: I agree, although the LVA overplayed the visibility of the surrounding industrial buildings (including the silo towers) and their degrading effect on the landscape character of the site. The site is well contained along its northern, western and southern boundaries mainly by trees/woodland, while also forming part of the more open landscape to the east.

Question: We discussed the possibility of a landscaping strategy that accommodated both elements that could provide shorter term softening of the impacts of the development and longer term a greater level of screening, and that with such a landscaping strategy the impacts of the development on the key views from Ramsbury Road, secured by the appropriate conditions for long term retention, management and maintenance, could be partially mitigated. The resultant impact would be in effect to move the visual impact of the belt of trees from the rear of the open field to closer to Ramsbury Road, with the accompanying loss of the views over the open field. What are your views on this?

Answer: By setting the building towards the rear of the site this would allow space for mitigation measures within the area to the front and adjacent Ramsbury Road. There would be sufficient space for a planting plan, where a number of faster growing trees planted at a higher density to encourage growth could be included then felled at a later date as a more appropriate woodland tree mix became established. However, the trees will take time to grow and this would replace a loss of views over an open field. A positive of this site is that there is space for mitigation which in time will be effective in reducing the adverse visual effect.

Question: We discussed that in this case there is a fine balance to be struck between the need for economic development in supporting an existing, reputable and well-established local business in its need for growth and the landscape impacts of the proposed development which, while resulting in a level of harm in respect of the erosion of the openness of localised views, are not severe in my view provided that appropriate mitigation landscaping is provided and maintained, which in this case there is clear justification to do. What are your views on this?

Answer: I agree, although the application might not conserve and enhance the AONB and there will be a loss of openness, in the long term an extensive mitigation plan including subtle mounding, extensive tree planting could reduce the level of effect, but this will take time.



<b>WBC Tree officer:</b>	No objections subject to provision of further details of planting included in a landscaping condition.
<b>WBC Ecologist</b>	No objections. Recommends conditions requiring provision of a CEMP and LEMP.
<b>WBC Conservation officer:</b>	No objections. The setting of designated and non-designated heritage assets will not be affected.
<b>WBC Archaeologist:</b>	The applicants have submitted a Heritage Desk-Based Assessment which examined the site of the proposed development and known heritage assets in the vicinity. The land was formerly part of the Second World War Membury military airfield, and appears to have contained part of two turning circles, with the rest being used to park planes. Prior to this wartime use, it was agricultural land. Due to the 20th century changes, I consider the archaeological potential to be low: the evidence suggests there will be no major impact on any features of archaeological significance from this proposal.
<b>NWD AONB Board:</b>	<p>The North Wessex Downs in this instance would object to the development proposed on this greenfield site.</p> <p>The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the Countryside and Rights of Way Act 2000 (CRoW Act). Section 85 of that Act confirms that there is a duty on all relevant authorities to have regard to this purpose in exercising or performing any functions in relation to, or so as to affect land in AONB's.</p> <p>The North Wessex Downs (NWD) is particularly sensitive to developments that are visually prominent, of an urban, suburban or industrial nature or are noisy.</p> <p>The site is not within the protected employment area of Membury and therefore is not in accordance with the local plan. The development in the opinion of the NWD AONB unit is major development which in a greenfield site is inappropriate and contrary to para 172 of the NPPF. We do not believe the development meets the test of appropriates as it has failed to demonstrate that there is no other alternative location, or that the redevelopment of their existing Walker Logistics site (within employment area) cannot accommodate the larger warehouse whilst smaller offices buildings could accommodate part of the proposed site.</p> <p>The agents state in their recent letter that the company tried previously working from separate sites, but it failed to work and state the reasoning is given in earlier documents, yet I see no reason as to why it failed. Logistic companies are by nature large as they involve warehouses and HGVs yet several national logistic companies manage to work from different locations across the country, which suggests that the attempt previously by Walker Logistics was not well executed. Another option is to set</p>

up a sister company which sits within the Walker family but operates independently, or to split the company into areas with hubs located close to existing supplies. The application demonstrates that applicants are taking the easier option which is not landscape led and fails to either conserve or enhance the AONB. The addition of a small museum is not of a public interest that outweighs the landscape harm.

The employee location details demonstrate that the bulk of the workforce come from Swindon, therefore this would make the logical option for a new site or even location of the business where there is more than sufficient space, given Swindon's heavily industrial character. Dorcan industrial estate and the new Symmetry Park both have ample available space with easy links to the M4, A419 and A420.

The current site due to its open character merging with the wider open countryside provides a sense of separation and spaciousness which reinforces the isolated character of the former airfield. The industrial nature of the business and the scale of the building proposed will erode the character of this part of the AONB. The current Walker Logistics buildings are located on the former camp where buildings and a few small hangers existed. The current site formed part of the wider runway network which was open, the full scale of openness has been affected by the tree planting carried out, but the site still retains an open character which merges with the wider open countryside. The proposed development would urbanise the site to the detriment of the AONB.

The loss of this green space would not result in any environmental or business benefits that outweigh the landscape harm. Nor would the development including its landscape mitigation conserve or enhance the natural and scenic beauty of the AONB, this is therefore contrary to the purpose of the AONB in addition to para 172 of the NPPF, the NWD AONB Management Plan and Area Plan 5 and policies CS9, CS10 and CS19 of the WB Core Strategy.

We would disagree with findings of the Landscape Appraisal and the proposed mitigation; the buffer line of trees and hedgerow fails to reflect the local context of the existing landscape. The buffer of trees would only act as a wall preventing any interconnectivity, hiding the development, which demonstrates harm. Therefore, the proposed landscaping cannot be considered mitigation as it fails to mitigate the harm but merely reinforces the adverse effect caused to the natural and scenic beauty of the AONB. Ponds are not characteristic of this landscape character area. A linear pond adjacent to the hedgerow would have the character of a drainage ditch which is more appropriate.

The importance of AONBs has further been heightened by the Glover Review which seeks to give further protection to AONBs. In terms of the museum, we commend the efforts of the family and their interest in keeping the memory of the airfield alive but do not consider the proposed museum stuck o the end of the development the most appropriate. The applicant has

	<p>demonstrated that there are two smaller sites available within the membury employment area which would be more appropriate for the location of the museum as an independent building, however the services where an existing memorial is positioned (agents document states there isn't one) that commemorates USAAF and the RAF, would be the best location given its exposure to number of people that pass through.</p> <p>There were over 1000 temporary airfields like Membury constructed for WWII, a number of which were within the AONB but do not have museums attached. The C47s were linked with Ramsbury and Greenham Common (outside AONB), an aircraft that flew from Greenham Common has also been restored and airworthy in the UK (Drag 'em out). The large American Air Museum in Cambridgeshire would however be the location to give the best exposure.</p> <p>The local area is void of street lights. It must be noted that introducing lighting columns or increased building floodlights into this locality would significantly impact upon the dark sky environment, a special quality of the AONB.</p> <p>The building has a number of windows which will cause light spill into a dark environment. Low transmittance glass should be conditioned if the officer is minded to approve. The colour of the building will not fade into the landscape, it will appear as a contrast to the natural greens and browns that make up the natural colour system of this landscape character area. Using the natural colour system to identify colours in the landscape which can aid in choosing more appropriate shades of green would have been a more responsible approach within a protected landscape.</p> <p>Overall, the use, scale, siting and design of the development would fail to comply with policy CS9, CS10, CS9 and CS19 of the Core Strategy and Area Plan 5, paras 8, 127, 170 and 172 of the NPPF and Policies within section 7.39 of the NWD Management plan. The development fits within the key issues identified in the NWD management plan, including loss of rural character, impact on dark skies, new noise creating activities and suburbanisation. Para 23 of NPPF (2018) underlines the need to have objectively assessed land use designations and allocations identified on a policies map for which West Berkshire do and it does not include the proposed application site. There are existing redundant/vacant industrial and commercial sites around Swindon that are available for development and could accommodate the uses and scale of development proposed. The development and use proposed would not provide any overriding benefits to outweigh the harm caused to the AONB.</p>
<b>Thames Water:</b>	No objections.

## ***Public representations***

4.2 Representations have been received from 37 contributors, 17 of which support, and 20 of which object to the proposal. A petition of 61 signatures has been received in support of the application and a petition of 176 signatures has been received objecting to the application. The applicant and agent have both submitted

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 in objection:

- Increase in traffic
- Loss of agricultural land/green field
- Health impacts
- Inadequate information on haulage and bus routes
- Highways safety impacts
- Loss of tranquillity of AONB
- Traffic pollution
- Detrimental impact on character and appearance of area
- Disruptive nature of logistics (unsociable hours)
- Inadequate highways network
- Damage to property due to vibrations from vehicles
- Impact on heritage value of WW2 airfield
- Suburbanisation due to managed landscaping
- Outside of designated PEA
- Industrial development should be contained to existing PEAs
- Light pollution
- Impact of lights on bats and biodiversity
- Impact on air quality having negative impact on local horse racing industry
- Employment from outside District/local area
- Visual prominence of building and intrusion on views
- Environmental impact of carbon emissions
- Impact on local wildlife
- Concerns regarding a precedent being set for future expansion
- Incremental impact on the cumulative scale of development at Membury
- Impact on local tourism
- Other brownfield sites should be considered
- The AONB is a finite resource
- Potential for increase in floorspace via insertion of mezzanines

The following issues/points have been raised in support:

- Benefit of museum to preserving heritage of airfield
- Locating industrial development alongside an existing industrial area
- Scheme will preserve landscape quality
- Will retain and increase local employment in vicinity of an existing area of employment
- Improving on the limited local employment opportunities in the vicinity of Lambourn
- Bus transport reduces need for separate vehicle journeys
- Existing road infrastructure is adequate
- Logistics is a particularly valuable business in current pandemic circumstances

The following other matters have been raised:

- Applicant has been a benefactor of the location and its heritage

- Inadequate public consultation
- Impact on house prices
- Littering from parked vehicles
- Improvement to visual amenity associated with the applicant's existing business

## 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, ADPP5, CS5, CS9, CS10, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS5, OVS6, 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)
- North Wessex Downs AONB Management Plan 2019-2024
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- The West Berkshire SuDS Supplementary Planning Document (Dec 2018).

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of development
- The landscape impact
- The highways impacts
- Noise and disturbance
- Heritage and tourism
- Ecological impacts

### ***Principle of development***

6.2 The application proposes the development of a storage and distribution warehouse, along with ancillary office accommodation and a museum building. In terms of the main proposal for storage and distribution use, the application proposes major development in the North Wessex Downs AONB. The NPPF states that planning permission should be refused for major development in designated areas, including the AONB other than in exceptional circumstances where it can be demonstrated that the development is in the public interest. Policy ADPP1 of the Core Strategy requires that only appropriate, limited development is allowed in the countryside, focussed on addressing identified needs and maintaining a strong rural economy. Policies ADPP5 and CS9 of the Core Strategy seek to direct new industrial development, including storage and distribution (B8) uses to the existing protected employment areas in the District. Therefore, in considering these proposals and whether a departure from the requirements of these policies is justified consideration must be given to the exceptional circumstances that support the application.

- 6.3 The applicant is the owner of an existing logistics business that operates from within the PEA to the south of the application site. The Economic Impact Report submitted with the application confirms that at the time the report was written that the existing business employs 81 FTE (full time equivalent) staff. It details a proposed increase in numbers of employees of an additional 40 FTE posts. The report sets out that the existing business has growth and expansion needs that cannot be accommodated by its existing premises.
- 6.4 The NPPF states that significant weight should be afforded to the need to support economic growth and productivity. The economic development officer was consulted and has assessed the potential for an alternative preferable site outside of the AONB to provide a sufficient amount of floorspace to accommodate the expansion needs of the existing business and has confirmed that in her view there are no alternative sites better situated for these works. This response is reflected in the planning policy assessment of the proposals, which notes that the site is currently being considered for allocation for industrial uses in the forthcoming local plan update that will, inter alia, review the boundaries of the existing Protected Employment Areas. While it is noted by the planning policy officer that limited weight can be attached to the potential allocation of the site, the response recognises that there is a need for growth in terms of providing land for industrial employment uses, and that this has impacted on the lack of availability of an appropriate site within the District to accommodate the needs of Walker as a medium sized business. It also recognises that the expansion needs of a successful medium sized business such as Walkers need to be supported where it is reasonable to do so. Consideration of the associated landscape harm is crucial to the assessment of whether in this case allowing the development would be reasonable. Both consultation responses also recognise that the need for expansion in order to facilitate the ongoing response to both the current global pandemic by Walker as a logistics business, and to build resilience against the financial uncertainty of Brexit provide justification in terms of need for the development, and in the case of the economic development officer the need is considered exceptional in order to prevent circumstances that might lead to this successful business needing to re-locate away from the District with the resultant impacts on local employment and the local economy, as well as the economic impact on the business itself. The applicant's submissions make clear the economic contribution that the business currently makes in terms of revenue, employment and business rates, and highlights that it is of national importance for planning decisions to allow opportunities to support economic development.
- 6.5 Policy CS9 requires that proposals for industry and distribution uses are directed towards the existing PEAs, but goes on to note that proposals for development outside of these areas will be assessed against the compatibility with uses in the area surrounding the proposal, the potential impacts of the proposed uses and the capacity and impact on the road network and access by sustainable modes of transport. In consideration of the location of the site, sandwiched between two existing areas of PEA, and in a site that is visually and physically constrained on its boundaries by industrial buildings, highway infrastructure and a dense belt of trees to the west, subject to the detailed considerations outlined below it is your officers' view that the proposed works would meet with the intentions of policy in this respect, and given the exceptional need for business expansion to support growth and economic development and retain the existing logistics business, on balance the principle of development should be accepted in the case of this particular application and site.
- 6.6 In respect of the proposed use of part of the site for providing a museum for the applicant's World War 2 aircraft and memorabilia, while it is noted that this would increase the built form associated with the development of the site, and as an isolated development may not be supported due to the limited associated benefit of such works, in the context of the proposed larger industrial development it would provide a heritage

and tourism benefit as discussed below, and therefore is considered to be on balance acceptable in the context of allowing industrial character development on the site.

### ***Landscape impact***

- 6.7 The application site is an open agricultural field that is mainly viewed from Ramsbury Road for a stretch of approximately 50 metres, and from the open fields beyond to the east. It is not situated in close proximity to any public right of way, but is located within the North Wessex Downs AONB. The site currently has an open, agricultural character, although this is viewed in the context of the industrial buildings to the south and the grain silos to the north.
- 6.8 The proposed works would introduce a substantial industrial warehouse building into these views, along with an associated access, parking area and yard. The indicative plan shows the building itself being located to the north western part of the site, alongside the existing tree belts, where it would relate more directly to the grain silos to the north east in views. Nevertheless, the impact is of a major industrial development in land that is currently open in views from the east up to the tree belt to the west of the site. This is recognised in the indicative layout which has confined the proposed works to allow a substantial space for new landscaping to mitigate and buffer the associated impacts on views from Ramsbury Road.
- 6.9 As part of consideration of this application a Landscape Visual Impact Assessment was commissioned, which was reviewed by the Council's landscape consultant. The landscape consultant notes the situation of the site in the AONB, and that the proposed works would result in its loss from views. However, the landscape consultant also notes that these views are, by virtue of the relatively confined boundaries of the site, including the tree belt to the west and north and, industrial development and grain silos to the north and the industrial sheds to the south, relatively confined, and less sensitive than those in a location with a greater variety of public views and less surrounding industrial development might be. The landscape consultant has further noted that planting to screen the grain silos has begun to establish itself well, providing an effective screen to soften the impact of these substantial structures, and that similarly a sensitively designed scheme of landscaping, including faster growing plants that could at a later date, once deeper screening is established, be removed, could help to considerably soften the impact of the development over time, effectively mitigating much of the loss of the openness of the views across the site, rather than a more significantly detrimental impact that might be engendered by a larger or less well situated development with less scope for landscaping on the site.
- 6.10 While the proposals would lead to the effective merging of two developed parts of the PEA care has been taken to confine development to the west of the site, allowing considerable space to the east for mitigation via landscaping. This is crucial in both the landscape consultant's balanced assessment and your officer's recommendation, as it confines the development into a single parcel of land rather than providing obvious visual opportunities for further encroachment into the AONB, and therefore confines and limits the associated detriment to the open character of views to the visual receptors along this 150 metre stretch of Ramsbury Road. The landscape consultant notes that the space provided for landscaping offers an excellent opportunity to provide a well-designed scheme that will have some benefit in reinforcing surrounding green infrastructure.
- 6.11 Your officer notes the objection of the AONB board, and has taken consideration of these matters. It is noted that the response from the AONB Board considers that the relocation of the existing business would be an acceptable outcome and has suggested potential for sites outside of the District to accommodate the proposed works, but takes the stance that the level of impact on the AONB would be unacceptable. This stance is

not reflected in the landscape consultant's comments, which provide a more balanced view of the outcome of the works at their proposed scale and the potential for landscaping to mitigate some of the associated landscape harm, while recognising that the circumstances of the site, tucked between two parts of the PEA and offering significant landscaping opportunities, while already providing a dense tree belt that confines views beyond the existing field, are quite unique, and that there is a need in this case to balance landscape harm with supporting a successful business to develop and meet its needs in the locality and addressing this economic need in a manner that minimises harm to the character of the surrounding area while recognising that the area is part of the AONB and has an important role to play within this valuable landscape.

- 6.12 The landscape consultant notes that there is a potential benefit to allowing development of the site to incorporate the economic needs of the applicant, which is that in reserving land to the east of the site as a thick woodland buffer it would allow for strategic integration of this woodland with a further woodland buffer opposite Honeysuckle Cottage and Cuckoo Cottage to the north east of the site, weakening the case for additional development on this land outside of the application site, while serving to enhance some of the views from Ramsbury Road.
- 6.13 In consideration of these matters, and the fact that detailed landscaping proposals can be developed at the reserved matters stage, your officer's view is that much of the landscape harm associated with this particular development and site could be substantially mitigated over time, and therefore would not be sufficient to merit a reason for refusal given in particular the significant weight attributed to supporting local business development and case for their being an exceptional need supported in this application.

### ***Highways and transport***

- 6.14 A number of objections refer to the impact of the proposed works on highway in terms of infrastructure capacity and highway safety. The applicant has provided traffic surveys and supporting data which have been assessed by the highways officer, who has stated that he is satisfied that the proposals will not result in a significant increase in vehicle movements that will be to the detriment of highway safety in the area or beyond the capacity of highway infrastructure to accommodate. He has also raised no objections in terms of the indicative layout and access arrangements.
- 6.15 Your officer notes that the highways officer has raised an objection in terms of the sustainability of the location for the use proposed. This is due to the lack of access by sustainable modes of transport, and is a concern that is repeated by the transport policy officer. While these objections are important material considerations, the application site is directly adjacent to the PEA, an area that is stated in policy to be one of the focal points for industrial development of this kind, and were it to be within the PEA then it would be hard to resist such development on grounds of sustainability. Similarly, in this case where officers accept the need for expansion of the business and recognise that the District is unable to yield a better situated location for this expansion to be directed the sustainability of the location must be balanced against this need. The documents accompanying the application note that a bus service currently operates for employees, and car sharing is also explored. There is also some opportunity for local journeys to be undertaken by bicycle, and a number of the representations on the application note local journeys by bicycle, but it is accepted that this would make up a small proportion of associated journeys due to the remoteness of the location from any settlement.
- 6.16 Your officer notes that the transport policy officer has raised concerns in respect of the submitted travel plan and the commitment to operation of a bus service. As access forms part of the reserved matters it is considered that a condition requiring submission of a travel plan prior to the site being taken into use will allow for these matters to be revisited.



- 6.17 In consideration of the location of the site alongside the existing PEA and the economic benefits associated with the proposed development, on balance it is not considered that the concerns raised in respect of the sustainability of the location of the site would merit refusal of this application.

### ***Heritage and Tourism***

- 6.18 The conservation officer and archaeologist have reviewed the proposed works in terms of impact on the World War 2 runway as a heritage asset. Neither have raised objections in respect of this matter while noting that the proposed aircraft museum provides a benefit to preservation and conservation of the heritage of the Membury airfield area. Your officer notes that while the museum is proposed to house a private collection, the applicant has proposed that public access to the proposed museum could be secured as a public benefit to the proposals, and agrees that this would add weight to the proposals in terms of supporting the local heritage value of the airfield and local tourism. As such a condition is recommended in respect of providing arrangements for public access to the museum on 28 days per year.

### ***Ecology***

- 6.19 The ecologist has considered the application and raises no objections. He has, however, requested conditions in request of a Landscape Ecological Management Plan (LEMP) and Construction Ecological Management Plan (CEMP). A condition requiring details of external illumination is recommended, and an informative regarding construction techniques for the building is also proposed as the ecologist is of the view that certain techniques including green wall/roof could be explored in the design of the building.

### ***Noise and environment***

- 6.20 While the application site is situated between industrial sites in an area that is predominated with industrial character development alongside open agricultural land, the nearest residential properties, Cuckoo Cottage and Honeysuckle Cottage, are located approximately 100 metres from the site boundary, and objections to the application raise concerns in respect of noise and disruption due to working hours and the hours of operation of logistics. The environmental health officer has assessed the application and has made recommendations in respect of conditions for noise management and control of external lighting. It is noted that a number of uses exist in the nearby area that historically have no controls on either noise management or external works, and operate vehicle movements in an unlimited fashion. Additionally the highways officer has noted that the increase in numbers of vehicle movements would not be significant by comparison to the number of movements overall in the area, and as such it is not considered that the proposals would engender a significant amount of additional disruption to the amenity of local residents. Conditions on levels and type of external illumination and limiting external working hours are recommended in the interests of nearby residential amenity.

### ***Other matters***

- 6.21 Agricultural land: The application site is Class 3 agricultural land, which falls under the categorisation “Best, most versatile” agricultural land. While it is therefore the case that the land in its current use contributes to the rural economy, and the planning statement confirms that part of it is currently in use for grazing sheep, as your officers accept the economic justification for development as an exceptional need in this case, it is considered that the benefits of the proposed change of use of the land would attract

more weight in the planning balance than its retention as agricultural in this particular case.

- 6.22 Personal permission: The planning statement supporting the application offers the applicant's agreement to a personal permission. While it is noted that a number of letters of support refer to tidiness of the applicant's existing site and his character as an advocate for the Membury area, these are not matters for consideration under this application. Objections to the application state concerns regarding the reasoning behind a personal permission. However, in this case your officer has reviewed the justification and is satisfied that in terms of matters relating to the applicant's particular model of business, including associated vehicle movements and matters such as the need for external lighting, there is justification to recommend a condition granting a personal planning permission in order that these matters can be revisited in detail in the event of the site changing hands in future.
- 6.23 In terms of concerns regarding the number of floors and potential future increase on floor area of the building, conditions are recommended to secure broad compliance with the submitted block plan, to remove permitted development rights for mezzanine floors and to stipulate that the floorspace and height are no greater than that shown on the block plan and given in the application details.
- 6.24 BREEAM and Zero Carbon: Policy CS15 requires non-residential development to meet a construction standard of BREEAM excellent and zero carbon. Conditions are imposed in respect of addressing these matters.

## 7. Planning Balance and Conclusion

- 7.1 In the case of consideration of this application your officers have carefully evaluated the environmental impacts of development of the site for the proposed use against the associated economic benefits of doing so. While it is important to note that the NPPF states that major development in the AONB should only be supported in exceptional circumstances, it also states that significant weight should be afforded to the need to support economic growth and productivity. The application has identified a need for this form of development and a shortfall of available space in the District to support it. As such, on balance officers accept the exceptional need for the development, and recommend that the application is approved.

## 8. Full Recommendation

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

### **Conditions**

1.	<b>Reserved Matters</b> Details of the access, appearance, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2.	<b>Time limit</b>

	<p>The development to which this permission relates shall be begun before the expiration of 3 years from the date of this decision, or before the expiration of two years from the date of approval of the last of the approved matters to be approved, whichever is the later.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
3.	<p><b>Indicative plans</b></p> <p>The layout of the site shall be in broad accordance with the indicative block plan reference number 03100-00-C. The building hereby approved shall be a maximum of 12.6 metres in height.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning, and in the interests of visual amenity in the North Wessex Downs AONB in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy 2012.</p>
4.	<p><b>Permitted Development restriction</b></p> <p>Irrespective of the provisions of the Town and Country General Permitted Development Order 2015, as amended, or any subsequent revision thereof no addition floors or mezzanines shall be inserted in the building hereby approved.</p> <p>Reason: In order to prevent the overdevelopment and intensification of use of the site in a manner that might otherwise result in harm to the tranquillity of the AONB, highway safety and residential amenity in accordance with the NPPF, Policies CS9, CS13, CS14, CS19 of the West Berkshire Local Plan Core Strategy 2012 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)</p>
5.	<p><b>Maximum floor areas</b></p> <p>The floor areas for the building hereby approved shall be limited to the maximum following floor areas:</p> <ul style="list-style-type: none"> <li>-Museum and military vehicle storage area 2180 sq.m</li> <li>-Class B8 storage and distribution warehouse 9060 sq.m</li> <li>-Ancillary office area 1150 sq.m</li> <li>-Ancillary welfare and security area 180 sq.m</li> </ul> <p>Reason: In order to prevent the overdevelopment and intensification of use of the site in a manner that might otherwise result in harm to the tranquillity of the AONB, highway safety and residential amenity in accordance with the NPPF, Policies CS9, CS13, CS14, CS19 of the West Berkshire Local Plan Core Strategy 2012 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)</p>
6.	<p><b>Construction Method Statement</b></p> <p>No development shall take place until a Construction Method Statement has been submitted and approved under a formal discharge of conditions application. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> <li>(a) The parking of vehicles of site operatives and visitors</li> <li>(b) Loading and unloading of plant and materials</li> <li>(c) Storage of plant and materials used in constructing the development</li> <li>(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing</li> <li>(e) Wheel washing facilities</li> <li>(f) Measures to control the emission of dust and dirt during construction</li> <li>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul>

	<p>The provisions of the Construction Method Statement shall be implemented in full and retained until the development has been occupied. Any deviation from the approved Construction Method Statement shall be first agreed in writing with the Local Planning Authority.</p> <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, Policies CS5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
7.	<p><b>Noise management plan</b></p> <p>A scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. Thereafter, the use shall not commence until the approved scheme has been fully implemented.</p> <p>Reason: To protect the occupants of nearby residential properties from noise in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy 2012 and Policies OVS5 and OPS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
8.	<p><b>BREEAM</b></p> <p>The development hereby approved shall not be occupied until a post construction review demonstrating that the approved building has achieved a construction standard of BREEAM Excellent has been submitted and approved under a formal discharge of conditions application.</p> <p>Reason: In order to ensure a sustainable development of high quality 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><b>Zero carbon</b></p> <p>No development shall take place until a plan demonstrating how the building hereby approved will meet with the requirement for zero carbon development including construction, monitoring and reporting measures has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plan.</p> <p>Reason: In order to secure zero carbon development in accordance with Policy CS15 of the West Berkshire Local Plan Core Strategy 2012.</p>
10.	<p><b>Construction Environmental Management Plan</b></p> <p>No development shall take place (including demolition, ground works, vegetation clearance unless otherwise agreed in writing by the Local Planning Authority) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:</p> <ul style="list-style-type: none"> <li>(a) Risk assessment of potentially damaging construction activities.</li> <li>(b) Identification of “biodiversity protection zones”.</li> <li>(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).</li> <li>(d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>(e) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>(f) Responsible persons and lines of communication.</li> </ul>

	<p>(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>(h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction. This condition is imposed in accordance with the requirements of the NPPF and Policy CS17 of the West Berkshire Local Plan Core Strategy 2012.</p>
11.	<p><b>Landscape Ecological Management Plan</b></p> <p>No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> <li>(a) Description and evaluation of features to be managed.</li> <li>(b) Ecological trends and constraints on site that might influence management.</li> <li>(c) Aims and objectives of management.</li> <li>(d) Appropriate management options for achieving aims and objectives.</li> <li>(e) Prescriptions for management actions.</li> <li>(f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</li> <li>(g) Details of the body or organization responsible for implementation of the plan.</li> <li>(h) Ongoing monitoring and remedial measures.</li> </ul> <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>The approved plan will be implemented in accordance with the approved details.</p> <p>Reason: A pre-commencement condition is required because the LEMP may need to be implemented during construction. This condition is imposed in accordance with the requirements of the NPPF and Policy CS17 of the West Berkshire Local Plan Core Strategy 2012.</p>
12	<p><b>Lighting strategy</b></p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</li> <li>(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.</li> <li>(c) Include and isolux diagram of the proposed lighting.</li> <li>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</li> <li>(e) Include a plan of timings for external lighting to minimise external lighting at times when the external areas of the site are not in use.</li> </ul>

	<p>No external lighting shall be installed on the site except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, to conserve the dark night skies of the North Wessex Downs AONB and in the interests of the amenity of nearby residential occupants. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, Policies CS14 CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policies OVS5 and OVS 6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.</p>
13.	<p><b>SuDS</b></p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;</li> <li>c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</li> <li>d) Include detailed manufacturer's information to ensure adequate sizing and water cleaning operation of the propose sewage treatment plant and oil interceptor;</li> <li>e) Include detailed hydraulic 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;</li> <li>f) Include flood water exceedance routes, both on and off site;</li> <li>g) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;</li> <li>h) Include a Flood Risk Assessment (FRA) for the development as the site area is larger than 1 hectare;</li> <li>i) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);</li> </ul> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced. The sustainable drainage measures shall be maintained in the approved condition 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), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may</p>

	require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.
14.	<b>Hours of external operation</b> To be confirmed on update sheet.
15.	<b>Personal permission</b> To be confirmed on update sheet.
16.	<b>Levels</b> No development shall commence on the site until full details of ground and floor levels as existing and proposed have been submitted and approved in writing by the Local Planning Authority. The site shall be constructed in accordance with the approved levels.  Reason: In the interests of visual amenity in the North Wessex Downs AONB in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy 2012.
17.	<b>Public access to museum</b> To be confirmed on update sheet.
18.	<b>Travel Plan</b> To be confirmed on update sheet.

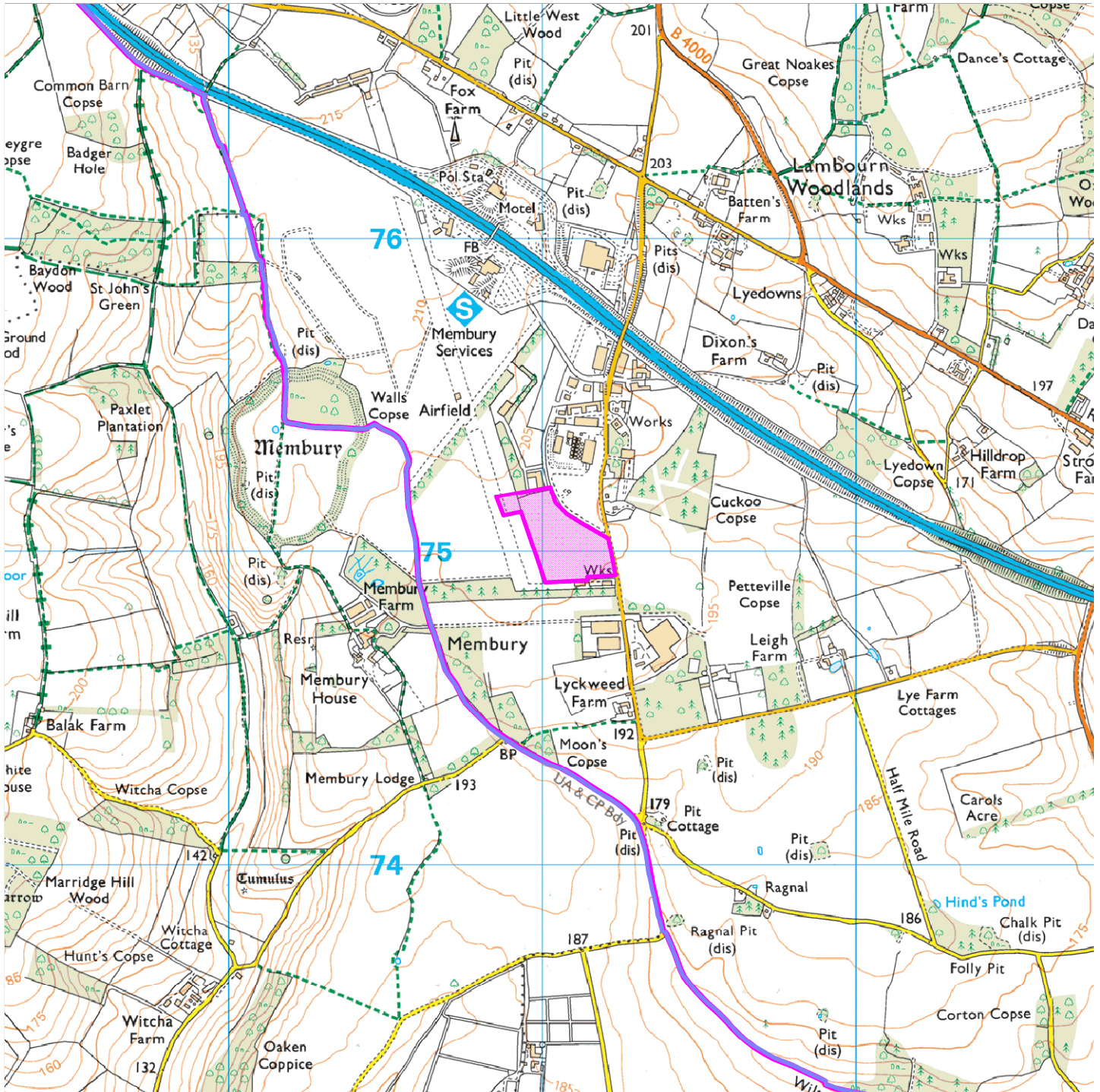
### ***Informatives***

1.	This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2.	<p><b>Ecology &amp; construction</b></p> <p>The applicant's attention is drawn to the following comments from the ecologist and the AONB officer in respect of detailed design:</p> <p>Ecologist - We recognise that one of the concerns of this development is that it is in the NWD AONB, the concern relates to the visibility of the new structure(s) we propose that one way that these concerns could be reduced is the installation of green vegetated walls. This would be best achieved with rainwater harvesting to feed into a reservoir to help maintain the watering of the vegetated green walls around the building. These green walls will; soften the landscape views of the building, improve internal thermal stability lowering energy bills with the associated environmental sustainability benefits, increase carbon capture and slow the peak flows in high rain fall events.</p> <p>AONB officer - The local area is void of street lights. It must be noted that introducing lighting columns or increased building floodlights into this locality would significantly impact upon the dark sky environment, a special quality of the AONB. The building has a number of windows which will cause light spill into a dark environment. Low transmittance glass should be conditioned if the officer is minded to approve.</p> <p>The colour of the building will not fade into the landscape, it will appear as a contrast to the natural greens and browns that make up the natural colour system of this landscape character area. Using the natural colour system to identify colours in the landscape which can aid in choosing more appropriate shades of green would have been a more responsible approach within a protected landscape.</p> <p>The detailed design of the building accompanying the reserved matters application should demonstrate how these matters have been considered in choice of materials.</p>

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Land South Of Tower Works, Lambourn Woodlands, Hungerford



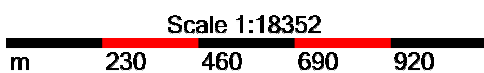
Map Centre Coordinates :

Scale : 1:18351

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	
<b>Date</b>	19 April 2021
<b>SLA Number</b>	0100024151



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# Land South of Tower Works Lambourn Woodlands

Photographs for Western Area Planning Committee

Application 19/02979/OUTMAJ



of application site along Ramsbury Road (Looking north)



of application site along Ramsbury Road (Looking south)



of application site and adjacent industrial buildings (Looking south west)



across site to existing tree belt separating site from runway (Looking south west)



silos and industrial buildings (Looking north)





bury Road in PEA(Looking south)



of application site and adjacent industrial buildings (Looking south west)



side nearest residential development to north east of site (Looking south along Ramsbury Road)



Existing Walkers site to south of application site (Looking west)

# Agenda Item 4.(3)

Item No.	Application and Parish	No.	Statutory Target Date	Proposal, Location, Applicant
(3)	20/00912/FULEXT		29 <sup>th</sup> April 2021*	Erection of 16 dwellings and associated landscape and highway works.  Land at End Of Charlotte Close Hermitage Thatcham  CALA Homes Ltd

\*Extension of time agreed until 29 April 2021

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00912/FULEXT>

## Recommendation Summary:

To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.3 of the report) and the completion of a Section 106 legal agreement.

OR

If the legal agreement is not completed by the 28th July 2021 (3 months of the committee meeting), to **DELEGATE** to the Head of Development and Planning to **REFUSE PLANNING PERMISSION**, for the reasons set out in Section 8.4 of the report or to extend the period for completion if it is considered expedient to do so.

## Ward Members:

Councillor Hilary Cole  
Councillor Garth Simpson

## Reason for Committee determination:

More than ten letters of objection received

## Committee Site Visit:

N/A

## Contact Officer Details

**Name:** Masie Masiwa  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** [Masie.Masiwa@westberks.gov.uk](mailto:Masie.Masiwa@westberks.gov.uk)

## 1. Introduction

- 1.1 This application seeks full planning permission for the erection of 16 dwellings and associated landscape and highway works
- 1.2 The proposal put forward will deliver the following housing mix:
  - 2 No one bedroom flats
  - 2 No two bedroom houses
  - 7 No three bedroom houses
  - 5 No four bedroom house
- 1.3 As part of the application scheme, it is proposed to include 40% of the dwellings as affordable housing (a total of 6 units), which will be 'pepper potted' around the site, in accordance with policy CS6 of the Core Strategy.
- 1.4 The site is an overgrown greenfield site in the service village of Hermitage, within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The site lies to the north of Station Road, which leads to the old train station to the east and the adjacent associated old depot site, a redundant commercial brownfield site, which has since been developed for housing and is now known as Hermitage Green. The application site also abuts a field in pasture to the east and the rear garden of the White Horse Public House to the north. To the west the site abuts, No. 2 Charlotte Close and the side and rear of No. 4 Charlotte Close. No 2 Charlotte Close is a Class C2 residential institution housing and providing care to young people attending school locally. The application site also shares the western boundary with the new development under construction for a convenience store, 4 No. apartments and 4 No. dwellings.
- 1.5 The site has an existing gated access off Charlotte Close, which is a short cul-de-sac on the east side of Newbury Road, the village spinal road (B4009). Charlotte Close is situated to the north of and at close proximity to the mini roundabout at the southern end of the village. The south western part of the site, including the access area by Charlotte Close, are situated within an identified critical drainage area, which is the lowest point of the site. The local topography is such that ground levels rise gently from the south west towards the north east portion of the site. The adjacent Station Road along the southern boundary has been built at a raised level, above the ground level at the application site.
- 1.6 There are many existing trees on site, including mature specimens, situated primarily around the periphery, as well as boundary hedges, especially among the south east and northern boundaries. Four large mature trees on site were felled in 2016, following which the whole site was the subject of an Area Tree Preservation Order (TPO) designation. The TPO was subsequently confirmed on individual specimens to the east and also on the group of trees along the southern site boundary along Station Road.

## 2. Relevant Planning History

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

Application	Proposal	Decision / Date
82/18460/ADD	Housing	Refused and Appeal dismissed in 1984
17/00368/SCREEN	EIA Screening Opinion	EIA Statement not required
17/01144/FULEXT	Erection of 37 dwellings and associated landscape and highway works	Refused and Appeal dismissed in 2018

2.2 The planning history shows two different planning applications for housing that have been refused and subsequently dismissed at appeal. The latest appeal decision notice under reference 17/01144/FULEXT is attached as an appendix for information.

## 3. Procedural Matters

3.1 The latest proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. An EIA screening exercise has been completed. The proposed development does not exceed the threshold in column 2 of Schedule 2 (number of dwellings and the site area does not exceed 5 hectares). It is concluded that an EIA statement is not required in terms of the EIA Regulations.

3.2 A site notice was displayed on 04<sup>th</sup> May 2020 and the deadline for representations expired on 25<sup>th</sup> May 2020.

3.3 The development has been amended on numerous occasions. The main amendment plans and additional supporting information package was received in September 2020 in response to officer-level feedback. According to the Planning Practice Guidance, where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary, taking into account a number of considerations including previous objections, and the significance of the changes. These amendments have been to address specific technical concerns raised by consultees, the amendments have been made publically available via the Councils planning website. Given that these amendments have been in response to technical issues and altered the originally proposed scheme, it has been necessary for amended plans site notices to be displayed. An amended plans site notice was displayed on 17 September 2020 and the deadline for representations expired on 08 October 2020. Further minor amendments were made after this date, however these amendments did not warrant the display of additional site notices.

3.4 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development. The development is CIL liable and chargeable as residential development.

3.5 More information is available at [www.westberks.gov.uk/cil](http://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.

<b>Hermitage Parish Council:</b>	No objection subject to recommended conditions
<b>Chieveley Parish Council (adjacent parish) :</b>	No objection
<b>Cold Ash Parish Council (adjacent parish):</b>	No objection
<b>WBC Highway Authority:</b>	No objection subject to recommended conditions
<b>WBC Ecology Officer</b>	No objection subject to recommended conditions
<b>WBC Archaeology Officer</b>	No objection
<b>WBC Tree Officer</b>	No objection subject to recommended conditions
<b>WBC Local Lead Flood Authority</b>	No objection subject to recommended conditions
<b>WBC Environmental Health</b>	No objection subject to recommended conditions
<b>WBC Conservation:</b>	No objection, no building conservation required
<b>WBC Education:</b>	No objection, impact from the proposed development will be met by CIL.
<b>WBC Waste Management</b>	No objection subject to recommended condition
<b>WBC Housing Development</b>	No objection
<b>WBC Landscape Consultant</b>	No objection
<b>North Wessex Down AONB</b>	No comments received



<b>Environment Agency</b>	No comments response
<b>Thames Valley Police - Crime Prevention Advisor</b>	No objection
<b>Thames Water</b>	No objection, subject to recommended condition and informatives

### ***Public representations***

4.2 Representations have been received from 20 contributors in objection and one impartial contributor.

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 planning related points have been raised:

- All green areas should be fitted with bollards to stop parking
- Impact of parking within the surrounding streets and lack of visitor parking
- Inadequate access - access and egress from this site should not be via Charlottes Close
- Traffic should be allowed to exit out of Station Road
- Along with new Co-Op store, the development will lead to traffic congestion
- Increased traffic movements affecting highway safety
- Concerns with regard to inadequate drainage in this area.
- Concerns with regard to new footpath in terms of security
- Lacking designated play area for such a large development.
- Encroachment over the rural development envelope.
- Significant impact on wildlife.
- Impact on neighbouring amenity
- No consideration of the existing landscape when formulating these plans.
- Development will harm the character of the North Wessex Downs AONB
- Provision of 2 and 3 storey domestic dwellings has been refused previously.
- Only 15 homes were approved through the HSA DPD
- The existing village infrastructure (particularly the roads) and services (schools and GP provision) cannot support any more development
- Local GP surgery in Chieveley is already overcrowded
- No detailed surveys with regard to 'working with communities'
- Impact on the flow of groundwater could cause subsidence
- Development contravenes The Hermitage Parish Plan
- The development will not have sufficient utility services
- Thames Water reservoirs unable to supply the current consumers.

## **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 NPPF, ADPP1, ADPP5, CS1, CS4, CS5, CS6, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Housing Site Allocations Development Plan Document (HSA DPD): Policies: GS1, HSA24 (this allocated housing site), HSA25 (adjacent allocated housing site), C1, P1
- Policies OVS.5, OVS.6, TRANS.1, RL.1, RL.2, and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-2024
- North Wessex Downs AONB Position Statement: Housing (October 2012)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2017)
- Planning Obligations SPD (2015)
- Conservation of Habitats and Species Regulations 2017
- West Berkshire CIL Charging Schedule
- Manual for Streets
- West Berkshire Council Landscape Character Assessment 2019
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014
- A Village Design Statement (VDS) for Hermitage SPD (2004)
- Hermitage Parish Plan 2013

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Principle of development
- Affordable housing
- Design, function, character and appearance of the area
- Public open space
- Impact on neighbouring amenity and quality
- On-site amenity and facilities
- Highways safety and Waste Management
- Trees and Landscaping
- Flooding and drainage
- Biodiversity
- Water / Sewerage infrastructure capacity
- Education Service
- Objections

## **Principle of development**

- 6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land. Policy ADPP5 provides that landscape protection is of paramount importance within the North Wessex Downs AONB. The North Wessex AONB has a statutory designation under the Countryside and Rights of Way Act 2000. Specific to planning, the NPPF states that great weight should be given to conserving landscape and scenic beauty in the AONB, which has the highest status of protection in relation to landscape and scenic beauty.
- 6.3 According to Policy ADPP5, the North Wessex Downs AONB will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. During the Core Strategy period provision will be made for the delivery of up to 2,000 dwellings. New housing allocations will be focused on the rural service centres and service villages within the North Wessex Downs, such as Hermitage.
- 6.4 According to Policy CS1, new homes will be primarily developed on land allocated for residential development in subsequent Development Plan Documents. According to Policy C1, there is a presumption in favour of development and redevelopment within the settlement boundary of Hermitage.
- 6.5 Policies ADPP1 and ADPP5 provide the area spatial strategy for the AONB within West Berkshire. According to these area delivery plan policies of the WBCS, allocations in the spatial areas will be made adjacent to existing settlement boundaries which will be re-drawn through the HSADPD.
- 6.6 Policy HSA 24 of the HSADPD is the site specific policy allocating the application site for housing. The full policy is set out below together with its associated plan (the associated plan also shows the adjacent allocated housing site):

## Policy HSA 24

### Land off Charlotte Close, Hermitage (site reference HER001)

The site has a developable area of approximately 1.1 hectares, taking into account the outcomes of the Landscape Sensitivity Assessment (2011).

Development will be delivered in accordance with the following parameters:

- The provision of approximately 15 dwellings to be developed at a mass and density that reflects the adjacent settlement character.
- The site will be accessed via Station Road and Charlotte Close with the provision of pedestrian and cycle linkages through the site to HER004 (Land to the south east of the Old Farmhouse).
- A Flood Risk Assessment (FRA) will be required as the site falls within an area at risk from surface water flooding with a small part of the site within a Critical Drainage Area. The FRA should consider all potential sources of flood risk and advise on the necessary SuDS techniques/mitigation measures to be incorporated within the scheme.
- An extended phase 1 habitat survey will be required together with further detailed surveys arising from that as necessary. A Great Crested Newt Survey will also be required to cover all ponds within the vicinity of the site. The final developable area will be dependent upon the extent of any appropriate avoidance and mitigation measures required to be implemented to ensure any protected species will not be adversely affected.
- The site will be developed in accordance with the Landscape Sensitivity Assessment (2011) and will include:
  - The protection and enhancement of the tree line along Station Road and other on-site trees.
  - The protection and enhancement of the hedgerow along the eastern boundary.
  - The maintenance of the views through and over the built form to the woodland beyond.
- The development design and layout will be further informed by a full detailed Landscape and Visual Impact Assessment (LVIA).



6.7 The site has a developable area of approximately 1.1 hectares and the policy allocated approximately 15 dwellings. The red line application site is in keeping with the new

settlement boundary as redrawn by Policy HSA 24. As such the principle of new residential development is acceptable on this site.

- 6.8 The initial housing market mix included mainly 4 bedroom dwellings which did not reflect the Berkshire Strategic Housing Market Assessment (SMHA) 2015. The housing mix has been revised to ensure a more appropriate mix with smaller units appropriate for the site allocation, local housing market assessment and reflecting the settlement pattern, character and density as stated within policy HSA 24. The final housing mix is considered acceptable.

### **Affordable housing**

- 6.9 Policy CS6 of the WBCS is concerned with the provision of affordable housing. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development.
- 6.10 The proposed development includes provision for affordable housing. The provision is shown on the affordable housing plan, and the summary breakdown is shown below:

#### Social rent

- a) Plot 1 – three bedroom house – (6 Person space standard)
- b) Plot 2 – two bedroom house – (4 Person space standard)
- c) Plot 11 – one bedroom flat – (2 Person space standard)
- d) Plot 12 – one bedroom flat – (2 Person space standard)

#### Shared Ownership/Intermediate

- a) Plot 14 – three Bedroom house - (6 Person space standard)
- b) Plot 15 – two Bedroom house - (4 Person space standard)

- 6.11 The Council's priority and starting expectation will be for affordable housing to be provided on-site in line with Government policy. The affordable units will be appropriately integrated within the development and not grouped together.
- 6.12 The proposal therefore complies with Policy CS6 of the WBCS which requires 40% affordable housing provision on a greenfield site or development sites of 15 dwellings or more (or 0.5 hectares or more). This provision must be secured through a Section 106 planning obligation and the Council will expect units to remain affordable so as to meet the needs of both current and future occupiers. The Section 106 legal agreement would be completed prior to the issue of a planning permission.
- 6.13 In conclusion, the principle of development is acceptable in accordance with the policies discussed above. The wider development plan policies and other material planning considerations are further considered below.

### **Design, function, character and appearance of the area**

- 6.14 The site is located within a location forming part of the AONB, as such the proposal has been considered in terms of its potential impact and harm on the character and

visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any from the proposed development.

- 6.15 The dwellings have been designed such that their layout, size and scale does not appear out of context in relation to the adjacent properties to the north and west or within the settlement. The height of the dwellings is in keeping with the height of the nearest dwellings along Charlotte Close, Station Road and Newbury Road and the proposed dwellings will merge well with the existing dwellings. During the consideration of the application, the height and design of the dwellings were revised to ensure the dwellings relate better to local vernacular in terms of design and appearance. The layout and gaps between buildings and plot sizes are also considered to be in keeping with the local area, a snicket was incorporated in the scheme to add pedestrian connectivity value within the site.
- 6.16 It is considered that the public and private spaces of the development are clearly distinguished with private gardens well enclosed to the rear of the properties. All public spaces are overlooked by the dwellings and so there is a good level of natural surveillance onto public open spaces and footpaths. The proposed layout has largely been informed by the large trees along the southern and eastern boundaries of the site which are protected by Tree Preservation Orders. The tree constraints have resulted in a slightly revised developable area as compared to the HSA 24 Plan within the HSADPD. The built development would be located away from the boundaries which is welcome and is acceptable in ensuring the dwellings can be delivered on the site whilst retaining the value of the protected trees along the boundaries. The built up area is therefore considered comparable to the HSA 24 Plan. Officers consider that the development sufficiently respects the character and appearance of the specific site and the AONB area.
- 6.17 A planning application for a convenience store, 4 No. apartments and 4 No. dwellings has been approved at the former Grand-a-Car garage to the west (application reference 19/00029/FULD). To the north east lies the approved outline scheme for “up to 21 dwellings” at The Old Farmhouse (application reference 17/03290/OUTMAJ).
- 6.18 A Landscape and Visual Impact Assessment (LVIA) has been submitted and reviewed by the Landscape Consultant.
- 6.19 The Landscape Consultant concluded that due to the well wooded landscape character of the area and the proximity to the built form of Hermitage, the site is limited with regard to the number of locations with views towards the site.
- 6.20 The proposed facades/architectural detailing have been amended to include more architectural detailing. The buildings on plots 1 and 7 have been modified as key landmark dwellings to include further architectural detailing to produce attractive dwellings and the previously proposed 4-terrace block has been removed.
- 6.21 The site is currently a paddock/agricultural land without any agricultural buildings. The surrounding character of the area has mixed rural and urban features. The majority of these adjacent dwellings consist of detached two storey housing similar to those proposed.

6.22 Considering the developable site area, the proposed density of the residential development will be approximately 15 dwellings per hectare. Given the landscape capacity work in relation to the site allocation within the HSA DPD, the proposed development is considered to comply with policy CS19 of the WBCS, and the site-specific policy HSA 24 in terms of its landscape and visual impact upon the character and appearance of the surrounding area and the AONB.

*The North Wessex Downs AONB Management Plan 2019 – 2024*

6.23 The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019 – 2024 describes the sense of remoteness and tranquillity associated with the North Wessex Downs as fundamental to the character of the AONB and vital to the enjoyment and appreciation of the landscape, the North Wessex Downs' vision seeks to make the North Wessex Downs AONB a place where development is low-impact. Officers consider that the proposed dwellings and landscaping are of an acceptable standard of design, size and scale within the context of the area adequately respecting and enhancing the distinctive village character of this part of the North Wessex Downs AONB.

*Heritage*

6.24 The Conservation Officer has no objections. The Archaeology Officer has reviewed the submitted Heritage Statement and concluded that there are no known archaeological features within the site, and that the archaeological potential would not be high. As such no further archaeological work is required.

*Crime Prevention Design*

6.25 The Crime Prevention Design Advisor for Berkshire at Thames Valley Policy (TVP) has been consulted. Advice was given that the scheme provides a suitable depth of defensible space between the footpath and the frontage of the dwellings. Following a review of the amended plans, including the proposed snicket the TVP Crime Prevention Design Advisor has indicated that they have no objections to the amended plans.

6.26 The proposal therefore complies with Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Housing Site Allocations Development Plan Document's Policies GS1, C1, C3 and HSA 24.

**Public open space**

6.27 Policy CS18 aims to protect and enhance the district's green infrastructure and requires new development to make provision for high quality and multifunctional open space of an appropriate size and provide links to the existing green infrastructure network. The policy does also require, that in the exceptional circumstance where the loss of green space is permitted, that it is replaced by one of greater or equal size.

6.28 Policy RL1 of the West Berkshire District Local Plan states that the Council will require, in new residential development of ten or more dwellings, the provision of between 3 and 4.3 hectares of public open space per thousand population in such

form, scale and distribution as may be considered appropriate depending on local circumstances, together with associated facilities and equipment. The requirement is between 0.12 to 0.17 hectares of public open space for this number of dwellings.

- 6.29 Policy RL2 states that the provision of public open space may be satisfied in several ways, including by allocating space on the development site itself, by making space permanently available through formal agreement on other land in the applicant's control which is readily accessible from the development site and appropriate for public open space/recreational use, or in certain circumstances by making payment to meeting necessary open space or other recreational requirements within a reasonable distance of the development site.
- 6.30 The proposal seeks to incorporate a large area of public open space along the northern, eastern and southern parts of the site. This area provides multi-functional public open space, with a local equipped area for play (LEAP) near Station Road. Adjacent to the northern, eastern and southern boundaries will be a strip of land which together with the attenuation pond/basin are proposed to be used for landscape and ecological mitigation and enhancements. A total of 0.15 hectares of public open space is proposed, which achieves the policy requirement of between 0.12 to 0.17 hectares. It is also considered that the proposed open space will achieve the aspirations of the Quality Design SPD for good quality open space.
- 6.31 The LEAP and public open space will be secured under a Section 106 legal agreement.

#### **Impact on neighbouring amenity and quality of life**

- 6.32 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity.
- 6.33 The nearest dwellings are located to the south and north east of the site, however the dwellings most likely to be affected are the dwellings along Charlotte Close.

#### **No 2 and 4 Charlotte Close**

- 6.34 The existing property at No 2 Charlotte Close has a side - on relationship with Plot 1. Plot 1 also faces No 4 Charlotte Close. There are no fundamental concerns with a side-to-side relationship with a new dwelling on the application site. Concerns were raised with regard to the impact of vehicle headlights from the parking areas at Plot 1. It is considered that there is a sufficient distance between Plot 1 and No 4 Charlotte Close and any headlights would be limited to a few vehicle movements during the dark periods of the day. Plot 1 has a maximum building height of approximately 9.4 metres with the gable sloping away from No 2 Charlotte Close and an eaves height of approximately 4.7 metres. Given the side on relationship there is no impact in terms of overshadowing on to No 2 Charlotte Close. The wall to wall distance from Plot 1 to No 4 Charlotte Close is approximately 26 metres which is considered acceptable in accordance with the Council's guidance which sets a distance of approximately 21 metres.

#### **No 2 Longworthy, Newbury Road**



- 6.35 The existing property No 2 Longworthy, Newbury Road has a side -on relationship with Plot 13, although at a slight angle. Plot 13 has a maximum height of approximately 8.7 metres with a single storey car port attached to the closest elevation to the boundary with No 2 Longworthy, Newbury Road. Given the side on relationship there is no impact in terms of overshadowing. The proposed dwelling will likely overshadow the garden at No 2 Longworthy, Newbury Road, however given the site boundary and the angle of Plot 13 there would be minimal levels of overshadowing during the morning sun rise which would not warrant a refusal on those grounds.
- 6.36 The proposed dwellings will be set in a back to back arrangement with a distance of more than 21 metres between the dwellings, the Councils guidance for acceptable back to back distances is approximately 21 metres. The relationships of the proposed dwellings within the site are found to be acceptable. There are elements of overlooking within the site, which is to be expected in a relatively dense residential environment, however the design and layout of the proposal scheme does not result in overtly harmful relationships.
- 6.37 The proposed development would result in the loss of outlook, but an adequate side on relationship between the existing dwellings and Plots 1 and 13 would ensure an outlook gap is maintained from private amenity areas. The position of the windows would ensure no overlooking onto neighbouring amenity. The majority of the dwellings within the site have a side on relationship which is considered good design to limit neighbouring amenity impacts.
- 6.38 The boundary treatments are in keeping with the character of the area, and safeguard neighbouring amenity, finer details such as materials, and height can be secured by a condition. Such a condition is recommended within this report.
- 6.39 Given the existing residential context to the north, south and west, the proposal is not considered to have a sufficient detrimental impact upon the residential amenity of existing neighbouring properties in terms of noise and disturbance to warrant refusal of the application.
- 6.40 Overall the impact on neighbouring amenity from the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal accords with CS14 and the SPD on Quality Design.

#### **On-site amenity and facilities for future occupiers**

- 6.41 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 100 square metres for houses with 3 or more bedrooms. The eleven plots will all have garden areas of more than sufficient size to deliver the required number of dwellings to comply with the guidance within the SPDQD.
- 6.42 The proposed new use of the site is a more sensitive use which requires an assessment of the land risks of contamination. A condition has been appropriately recommended.
- 6.43 The proposed development is likely to cause disturbances to nearby residents during construction. To ensure sufficient protection from disturbance to nearby residential

properties, the applicant is required to submit a construction management statement secured by condition.

### **Highway safety**

- 6.44 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.45 The planning application has been submitted with a Transport Statement (TS) which has been reviewed by the Highway Officer.
- 6.46 As detailed in the submitted TS, to calculate the expected traffic generation for the proposal, the Trip Rate Information Computer System (TRICS) database has been used. TRICS is an Ireland and UK wide database of traffic surveys of many uses including residential.
- 6.47 The TRICS projection are considered to be in line with the Councils own surveys of residential developments and the Highway Officer accepts that the projected traffic levels are acceptable and are in line with other consents and from surveys taken by Council highway officers at residential sites in Newbury. The Highway Officer expressed concern with regard to the impact of development on the nearby B4009 / Priors Court Road / Station Road mini roundabout. Traffic surveys were undertaken at the junction during November 2017 and July 2018 to enable traffic modelling to be undertaken at the mini roundabout. It was further confirmed that the traffic growth rates used were acceptable to the Highway Authority, however an update of the traffic models was requested to include application 19/00029/FULD (Lawrence Building, Newbury Road (proposed convenience store with four apartments above and four dwellings). Further information was submitted by the applicant and accepted by the Highway Officers.
- 6.48 In terms of transport the site is served by a bi - hourly service to and from Newbury with bus stops in close proximity. There are accessible facilities within walking distance of the site including a post office and a new convenience store under construction (Co-op) within 800 metres of the site and a primary school within 1,500 metres. All are reachable via existing footways and appropriate pedestrian crossing facilities including the facility on the B4009 to the south of Charlotte Close. The Highway Officer states that the access to the site via Charlotte Close was based on an assessment in March 2016 which informed a set of requirements for the scheme to be deliverable. Two metre wide margins were requested to be provided on both sides of the access road that can either be footway or grass verge, these are provided.
- 6.49 Details were also requested with regard to the route onto Station Road and how pedestrians using the proposed footpaths will cross Station Road. Both routes were designed at the Highway Officer's request that they are at least 2.5 metres wide to enable use by cyclists. Providing connectivity with the adjacent housing site at Old Farmhouse ensures the development complies with this requirement of policy HSA 24. The Station Road crossing points and the proposed footway along the proposed access road will include dropped kerbs and tactile paving. The highway infrastructure within the site will be adopted by the Highway Authority. Overall the highway infrastructure will also be secured by section 38/278 legal agreements between the

Highway Authority and the developer. A “snicket” footpath is also proposed through the site and is considered to offer pedestrian connectivity through the site.

- 6.50 Pedestrian routes are also proposed into the adjacent allocated site approved under application 17/03290/OUTMAJ, Land at The Old Farmhouse, Newbury Road to the north east and onto Station Road to the south east. The planning consent for the Land at The Old Farmhouse is only outline at this stage. The proposed footpath will link into the adjacent Old Farmhouse site and Station Road. More detail will be needed for the route onto Station Road and how pedestrians will cross Station Road. As indicated above, both routes should be at least 2.5 metres wide to enable use by cyclists.
- 6.51 The development would provide parking in accordance with Policy P1 of the Housing Site Allocations DPD. The 3 and 4 bedroom houses would be provided with 3 car parking spaces which includes the car ports. The development is provided with car ports which are considered to be acceptable in terms of Policy P1. Electric Vehicle Charging Points will also be provided for all dwellings and the finer details on the type and specifications of the charging points can be secured by condition. The Highway Officer has no objections on the final proposed development.

#### *Waste Management*

- 6.52 The Waste Management Officer has indicated that the application raises no concerns with regard to the storage and collection of refuse and recycling. A condition is attached to ensure refuse and recycling facilities are provided before the dwellings are occupied.
- 6.53 Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan.

#### **Trees and Landscaping**

- 6.54 Policy CS19 of the WBCS concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Particular regard is given to the conservation and, where appropriate enhancement of landscape assets.
- 6.55 The proposal will result in the loss of a small number of trees that are considered low category by the Tree Officer due to their poor condition or small size. The significant boundary tree cover will remain and no high category trees or trees subject to statutory protection will be removed.
- 6.56 The Tree Officer requested additional soft landscaping within the rear gardens of the proposed dwellings. These have been provided on the amended plans. The construction activity may affect further trees, adequate precautions to protect the retained trees are specified and will be implemented through the arboricultural method statement included in the application documents. The Tree Officer has also outlined that the development would have no long term detrimental impact on tree health or the contribution of trees to the character in the wider AONB setting. The additional planting of additional native trees and shrubs as shown to frontages with additional trees included in rear gardens is welcomed above.

6.57 Overall the Tree Officer considered that the submitted development was a significant improvement compared to the previously submitted proposal dismissed at appeal. It is therefore considered that the proposed development would conserve the trees covered by the TPO in compliance with the advice contained within the NPPF, and Policy CS19 of the WBCS.

### **Flooding and drainage**

6.58 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.

6.59 The application site is located within Flood Zone 1, which has the lowest probability of flooding. However the site is also partly located within a Critical Drainage Area.

6.60 Policy HSA 24 of the HSA DPD requires the submission of a Flood Risk Assessment (FRA), which has been submitted. The submitted FRA has informed the proposal for a drainage attenuation basin incorporated in the scheme adjacent to the Charlotte Close access. The Lead Local Flood Authority (LLFA) has indicated that the drainage design principles proposed are acceptable and that the final amended Flood Risk Assessment dated 05<sup>th</sup> March 2021 sets out clearly how the proposed SuDS interact with the surface water flood flow from off-site such that the surface water flow is not adversely affected. The LLFA Officer has no objections subject to the recommended conditions being applied to any decision to grant planning permission. It is considered that the proposal would comply with Policy CS16.

### **Biodiversity**

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

6.62 Policy HSA 24 of the HSA DPD requires the submission of an extended phase 1 habitat survey. From this report it is concluded that the site has potential to accommodate protected species. A number of subsequent ecological assessments, amendments and mitigation strategies have been submitted by the applicant in order to overcome ecological concerns raised by the Council's Ecologist. The Council's Ecologist has reviewed the submissions and has recommended that conditions are attached to secure the mitigation for protected species and habitats and to secure the management of the proposed ecological management areas. The future management of the ecological mitigation areas will be further secured by a legal agreement. Conditions requesting a Landscape and Ecological Management Plan (LEMP) and a Construction Environmental Management Plan (CEMP) have been attached in the report. The CEMP and LEMP details are necessary to ensure the adequate protection, conservation and enhancements of protected species and habitats on the site, and to achieve the specific mitigation and enhancements as recommended in the submitted Ecological Assessment. Comprehensive CEMP and LEMP will also ensure that the interrelated landscape, drainage and ecological proposals are delivered and management in a holistic manner.

6.63 It is therefore considered that the proposed development would comply with Policy CS17 of the WBCS.

#### **Water / Sewerage infrastructure capacity**

6.64 Thames Water is the statutory sewerage undertaker responsible for maintaining the water and waste water infrastructure in the local area. Thames Water indicated that they are working with the developer to identify and deliver the offsite water infrastructure required to serve the development. Thames Water have identified that no capacity exists within the current water network to serve the development and that infrastructure upgrades to the water network will be required. Thames Water has outlined that works are ongoing to understand the upgrade needs in more detail and as such Thames Water have recommended a condition is attached to ensure there is an agreement for delivery of the water infrastructure. Officers consider that a condition can be reasonably attached to ensure that there will be no commencement until confirmation that the water infrastructure has been secured and can be delivered.

6.65 Thames Water has not raised any objections to the proposed development, including the proposal to incorporate onsite surface water management. As the site is located near ground water sources, Thames Water has recommended that petrol / oil interceptors are fitted in all car parking areas as there is a risk that oil-polluted discharges could enter into local watercourses. A condition is attached requiring the submission of the petrol / oil interceptor details.

6.66 Overall, the development complies with Policy CS5 of the WBCS, and Policy GS1 of the HSA DPD.

#### **Education Service**

6.67 The Education Service has raised no objection, indicating that the impact from the proposed development will be met by CIL contributions.

#### **Objections and representations**

6.68 The Hermitage Parish Council and members of the public have raised concerns which are listed within Section 4 of this report. Many of the matters raised by objectors and the Parish Council have been addressed within the report and included the main public concerns around Highway impacts, parking, neighbouring amenity impacts, flooding and protection of wildlife.

6.69 Hermitage Parish Council have no objection in principle to the final amended plans but remain concerned about traffic on the B4009 and the impact of the additional vehicles travelling into and out of Charlotte Close. The Highway Officer has reviewed the transport statement and submitted traffic generation figures and indicated that the projected traffic levels are acceptable. A condition has been requested to ensure that the chicanes on the footpath and cycle access from the South (Station Road) are designed suitably for safe access and egress by mobility scooters as well as pedestrians and bicycles.

6.70 The request for specific conditions requiring suitable arrangements for the protection of rare species and retention of the mature trees on the site has been addressed

within the report. The future management of the ecological mitigation and enhancement areas will be secured by legal agreement and the LEMP and CEMP mentioned in the report. The provision of adequate broadband, Wi-Fi fibre connections and mobile phone signals has been requested by the Parish Council and this essential infrastructure can also be secured by condition. The finer details of the typical boundary fencing and hard landscaping can also be secured by condition at this stage.

- 6.71 Concerns have been raised by residents regarding the increased pressure that the proposal scheme will place on existing services, with a specific reference to local doctors' surgery and schools. This development is CIL liable and as such will generate funding which will be directed towards the provision of local infrastructure. CIL funding is used for infrastructure mitigation where the impacts from any development are incremental. No other specific additional projects that would be required solely as a result of this development and would need a planning obligation have been identified.

## **7. Planning Balance and Conclusion**

- 7.1 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal. Officers consider that the proposal will make a contribution to the wider economic dimensions of sustainable development and will support provision of new housing. There are benefits arising from the development of the whole site, including additional affordable housing. With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been fully assessed using expert advice as outlined in this report. Officers consider that the final amended plans sufficiently preserve and enhance the existing natural environment on the site. Officers consider that the proposal makes a significant contribution to the wider social dimensions of sustainable development through the provision of affordable housing, public open space and a LEAP. Officers therefore consider that the proposed development is supported by the presumption in favour of sustainable development.
- 7.2 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is acceptable and is recommended to members for approval.
- 7.3 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

## **8. Full Recommendation**

- 8.1 **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the completion of a Section 106 legal agreement by 28<sup>th</sup> July 2021 and in accordance with the schedule of conditions (Section 8.3).

## 8.2 Heads of Terms for Section 106 Agreement

1.	<p><b>Affordable housing</b></p> <ul style="list-style-type: none"> <li>To provide 40% affordable housing on site in accordance with the details provided in Amended affordable housing plan drawing no FLU.1126.16 Rev. E.</li> <li>Transfer to Registered Housing Provider.</li> <li>Of the affordable housing units, 70% being social rented tenure, 30% being an intermediate or shared ownership form of affordable housing.</li> <li>Detailed requirements and specifications in accordance with the Planning Obligations SPD.</li> </ul>
2.	<p><b>Public Open Space:</b></p> <ul style="list-style-type: none"> <li>Provision of public open space, including a local area of play</li> <li>Governance by a management company, subject to clauses to ensure transparency in the process of setting of annual fees for residents.</li> </ul>
3	<p><b>Environmental Management Plan:</b></p> <ul style="list-style-type: none"> <li>To secure details of the creation, details of the management, maintenance and long term protection of the hard and soft landscaping, public open space and Ecological Mitigation Area within the Site (as shown on the Section 106 Site Plan(s)).</li> <li>The Environmental Management Plan shall be in accordance with the details provided in amended play area details drawing No CALA22960-15A and amended open space plan drawing no CALA22960-10</li> <li>Not to permit the occupation of the development without first forming a Management Company (which for the avoidance of doubt shall assume responsibility for implementing the Environmental Management Plan) and not to wind up the Management Company or alter its constitution unless the whole of the Development shall have been demolished or unless the Council have otherwise first agreed in writing.</li> <li>To provide that the first and all subsequent buyers of each Residential Unit within the Development enters into covenants with the Management Company to pay the Management Company a pro rata proportion (according to the number of Residential Units in the Development) of the costs and expenses incurred by the Management Company in respect of its administration and of insuring, maintaining, repairing and as necessary renewing the hard and soft landscaping, public open space and Ecological Mitigation Area in accordance with the Environmental Management Plan.</li> </ul>
4	<p><b>Council's Costs</b></p> <ul style="list-style-type: none"> <li>To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee</li> </ul>

### 8.3 Schedule of Conditions

1.	<p><b>Time Limit for commencement</b></p> <p>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><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <p>Received on 16 April 2020:</p> <ul style="list-style-type: none"><li>• Preliminary Ecology Assessment</li><li>• Heritage Statement</li><li>• Noise Assessment</li></ul> <p>Received on 28 April 2020:</p> <ul style="list-style-type: none"><li>• Geoenvironmental Report</li></ul> <p>Received on 07 October 2020:</p> <ul style="list-style-type: none"><li>• Hermitage Biodiversity Metric</li><li>• Hermitage BNG report</li><li>• Biodiversity Homes Brochure 2019</li><li>• Ecological Assessment</li></ul> <p>Received on 14 December 2020:</p> <ul style="list-style-type: none"><li>• Amended Arboriculture statement No 20066-AA4-DC</li><li>• Amended tree protection plan drawing no 20066-BT3</li><li>• Amended Play Area details drawing no CALA22960-15A</li><li>• Amended soft landscape proposals drawing no CALA22960-11A sheet 1</li><li>• Amended soft landscape proposal drawing no CALA22960-11A sheet 2</li><li>• Amended proposed hard landscaping drawing no CALA22960-12B sheet 1</li><li>• Amended proposed hard landscape plan drawing no CALA22960-12B sheet 2</li><li>• Amended Landscape Visual Impact Assessment Report (LVIA)</li><li>• Amended LVIA appendices 1 – 11b</li><li>• Amended Plot 3 floor plans and elevations drawing no FLU.1126.04 Rev. J</li><li>• Amended Plot 4 floor plans and elevations drawing no FLU.1126.05 Rev. J</li><li>• Amended Plot 5 floor plans and elevations drawing no FLU.1126.06 Rev. K</li><li>• Amended Plot 6 floor plans and elevations drawing no FLU.1126.07 Rev. H</li><li>• Amended Plot 7 floor plans and elevations drawing no FLU.1126.08 Rev. H</li><li>• Amended Plot 8 floor plans and elevations drawing no FLU.1126.09 Rev. G</li><li>• Amended Plot 9 floor plans and elevations drawing no FLU.1126.10 Rev. H</li><li>• Amended Plot 10 floor plans and elevations drawing no FLU.1126.11 Rev. J</li><li>• Amended Plot 11-12 floor plans and elevations drawing no FLU.1126.12 Rev. H</li><li>• Amended Plot 16 floor plans and elevations drawing no FLU.1126.19 Rev. B</li></ul>



	<ul style="list-style-type: none"> <li>• Tree management on sites manual</li> <li>• Amended site layout plan drawing no FLU.1126.02 Rev. E1</li> <li>• Amended transport statement Issue 4</li> <li>• Amended Utilities &amp; Foul Water Drainage Assessment Issue 4</li> <li>• Amended pedestrian cycle connection drawing no 8190446/6103 Rev E</li> </ul> <p>Received on 18 December 2020:</p> <ul style="list-style-type: none"> <li>• Amended street scene drawing no FLU.1126.15 Rev. P</li> </ul> <p>Received on 29 January 2021:</p> <ul style="list-style-type: none"> <li>• Amended affordable housing plan drawing no FLU.1126.16 Rev. E</li> </ul> <p>Received on 18 February 2021:</p> <ul style="list-style-type: none"> <li>• Amended proposed car ports plans and elevations drawing no FLU.1126.20 Rev A</li> <li>• Amended Plot 13 floor plans and elevations drawing no FLU.1126.13 Rev. K</li> <li>• Amended Plots 1-2 floor plans and elevations drawing no FLU.1126.03 Rev. M</li> <li>• Amended Plot 14-15 floor plans and elevations drawing no FLU.1126.18 Rev. B</li> </ul> <p>Received on 12 March 2021:</p> <ul style="list-style-type: none"> <li>• Amended flood risk assessment report and appendices A-G Issue 7</li> <li>• Amended Flood risk assessment - appendices H-K</li> <li>• Amended Flood risk assessment - appendices L- M</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>External Materials</b></p> <p>Prior to above foundation level works commencing, details of external facing materials for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the AONB area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and Hermitage Village Design Statement.</p>
4	<p><b>Means of Enclosure</b></p> <p>Notwithstanding the provisions of the plans hereby approved, the development hereby permitted shall not be occupied until full details have been submitted to and approved in writing in respect of means of enclosure or boundary treatments on site, including all residential curtilages, to include a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected within the site. The plan will also include the ecological mitigation fencing, children's play area fencing. The boundary treatments shall be completed in accordance with the</p>

	<p>approved scheme before the development hereby permitted is first occupied. The boundary treatment shall thereafter be retained in accordance with the approved details.</p> <p>Reason In the interest of visual amenity and to protect neighbouring residential amenity, to reduce the risk of crime and anti-social behaviour and to ensure the satisfactory appearance of the development. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy, the Quality Design SPD (design guidance on safe and high quality environments) 2007) and the Hermitage Village Design Statement.</p>
5	<p><b>Landscape and Ecological Management Plan</b></p> <p>No development shall take place on the site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP should be based on the Ecological Assessments by Ethos Environmental Planning dated September 2020 received on 07 October 2020 and the approved SuDS and Landscaping documents and plans. Such a Plan shall include:</p> <ul style="list-style-type: none"> <li>a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews.</li> <li>b) Provision of features for protected and priority fauna as outlined within the Ecological Assessment by Ethos Environmental Planning dated September 2020 received on 07 October 2020 and deliver the recommendations of this Assessment to ensure the appropriate protection and conservation of protected habitats and species.</li> <li>c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, public open space, and ecological mitigation area.</li> <li>d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure shown and boundary treatments and species and habitat enhancements and protections.</li> <li>e) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping.</li> </ul> <p>The approved LEMP shall be implemented in full upon commencement of development.</p> <p>Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible before handover to the management company as a condition. Detailed provisions for implementation are contained with the s106 legal agreement. The detailed LEMP is required before commencement of development because insufficiently detailed information has been submitted at the application stage, and it may include measures that require implementation during the construction phase. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.</p>

6	<p><b>Construction Environmental Management Plan (CEMP)</b></p> <p>No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;</p> <ul style="list-style-type: none"> <li>(a) A risk assessment of potentially damaging construction activities</li> <li>(b) Identification of biodiversity protection zones</li> <li>(c) Practical measures to avoid and reduce impacts during construction</li> <li>(d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures</li> <li>(e) The times during construction when specialist ecologists need to be present on site to oversee works</li> <li>(f) Responsible persons and lines of communication</li> <li>(g) The role and responsibilities of the ecological clerk of works or similarly competent person</li> <li>(h) Use of protective fences, exclusion barriers and warning signs</li> <li>(i) Any temporary lighting that will be used during construction</li> <li>(j) A scheme of works or such other steps to minimise the effects of dust during construction</li> <li>(k) The implementation of these measures prior to the commencement of each phase.</li> </ul> <p>The development shall not be constructed otherwise than in accordance with the approved CEMP.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
7	<p><b>Updated Ecological Appraisal</b></p> <p>In the event that development has not commenced 3 years from the date of this permission, no development shall take place until an updated Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.</p> <p>Reason: If the development has not been commenced by September 2023 the ecological appraisal should be updated. This is because the latest ecology assessment report was dated September 2020 and many of the species considered during the current survey are highly mobile and the ecology of the site is likely to change over this period. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
8	<p><b>Natural England licence (bats and great crested newts)</b></p> <p>Any works which affect bats or great crested newts, or result in loss or deterioration of their habitats (including site clearance) shall not in any circumstances commence unless the Local Planning Authority has been provided with either:</p> <ul style="list-style-type: none"> <li>(a) A licence issued by Natural England pursuant to Regulation 53 of the</li> </ul>

	<p>Conservation of Habitats and Species Regulations 2010 authorising the specified activities to go ahead; or</p> <p>(b) A statement in writing from Natural England to the effect that it does not consider that the specified activity will require a licence.</p> <p>Reason: The approval of this information is required before development commences because insufficient information accompanies the application and mitigation will be required before any site clearance or development takes place. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
9	<p><b>Great crested newt mitigation scheme</b></p> <p>No development shall take place until a great crested newt mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall include (but not necessarily limited to) translocation of the areas of suitable terrestrial habitat, and translocation of the species, to the Ecological Mitigation Area. The submission shall include details of implementation timings.</p> <p>Thereafter, the development shall not take place without the great crested newt mitigation scheme being implemented in accordance with the approved scheme.</p> <p>Reason: To ensure the implementation of appropriate mitigation for great crested newts, including a translocation exercise, in line with the recommendations of the submitted Ecological Assessment. The approval of this information is required before development commences because insufficient information accompanies the application and mitigation will be required before any site clearance or development takes place. This condition is applied in accordance with the statutory provisions relating to great crested newts, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
10	<p><b>Drainage measures</b></p> <p>The use hereby permitted shall not commence until the sustainable drainage measures identified in the Flood Risk Assessment (prepared by Glanville Consultants Ltd, report ref: 023_8190446_AP_FRA Issue 7, dated 5 March 2021) have been implemented in accordance with the approved details. The sustainable drainage measures shall be maintained, retained 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, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
11	<p><b>Groundwater monitoring</b></p> <p>No development shall take place until details of groundwater monitoring within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that groundwater does not restrict or limit the use of infiltration SuDS in accordance with Environment Agency guidelines and that the proposed infiltrating SuDS feature should be positioned no less than 1m above the peak</p>

	<p>groundwater level, and to inform the design of such SuDS measures. This condition is imposed 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).</p>
12	<p><b>Layout and design standards</b></p> <p>The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the Developer to enter into a Section 278/Section 38 Agreement for the adoption of all highway infrastructure within the site. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.</p> <p>Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
13	<p><b>Access construction before development</b></p> <p>No development shall take place until details of the proposed vehicular and pedestrian access into the site from Charlotte Close have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawings.</p> <p>Reason: To ensure that the accesses into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
14	<p><b>Parking and turning in accordance with approved plans</b></p> <p>No dwelling shall be occupied until the associated 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.</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>
15	<p><b>Cycle parking in accordance with approved plans</b></p> <p>No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. 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</p>

	District Local Plan 1991-2006 (Saved Policies 2007).
16	<p><b>Footway/cycleway provision</b></p> <p>The tenth dwelling hereby approved shall not be occupied until:</p> <ul style="list-style-type: none"> <li>• The 2.5 metre wide footway / cycleway and features have been constructed to the north east boundary</li> <li>• The 2.5 metre wide footway / cycleway and features have been constructed onto Station Road including the crossing facility</li> </ul> <p>These routes shall be constructed in accordance with the approved drawings</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
17	<p><b>Construction method statement</b></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"> <li>(a) The parking of vehicles of site operatives and visitors</li> <li>(b) Loading and unloading of plant and materials</li> <li>(c) Storage of plant and materials used in constructing the development</li> <li>(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing</li> <li>(e) Wheel washing facilities</li> <li>(f) Measures to control the emission of dust and dirt during construction</li> <li>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>(h) A site set-up plan during the works</li> </ul> <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, 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).</p>
18	<p><b>Electric Charging Point</b></p> <p>No development shall take place until details of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
19	<b>Broadband, Wi-Fi Fibre Connections and Mobile Phone Signal</b>

	<p>Prior to above foundation level works commencing details of a Super-Fast Broadband, Wi-Fi Fibre Connections and Mobile Phone Signal Strategy Statement shall have been submitted and approved in writing by the Local Planning Authority. Such a Strategy Statement shall set out how super-fast broadband, Wi-Fi fibre connections and mobile phone signals are to be provided to the development, including a timeline schedule for connection. Thereafter no part of the development hereby permitted shall be occupied until the infrastructure has been provided in accordance with the approved details.</p> <p>Reason: To ensure that the site is provided with high speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the National Planning Policy Framework, Policies CS5 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026).</p>
20	<p><b>Emergency water supplies</b></p> <p>No dwelling shall be first occupied until either:</p> <ul style="list-style-type: none"> <li>(a) Private fire hydrants, or other suitable emergency water supplies, have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority (in consultation with Royal Berkshire Fire and Rescue Service); or</li> <li>(b) Royal Berkshire Fire and Rescue Service confirm that such provision is not required (for example, because the main water supply for the development is sufficient) and confirmation of the same has been given in writing by the Local Planning Authority pursuant to this condition.</li> </ul> <p>Reason: At present there are no available public mains in this area to provide suitable water supply in order to effectively fight a fire. Suitable private fire hydrant(s), or other suitable emergency water supplies, are therefore required to meeting Royal Berkshire Fire and Rescue Service requirements, in the interests of public safety. The approval of this information is required before development commences because insufficient information accompanies the application and it will affect the servicing of the development. This condition is applied in accordance with the National Planning Policy Framework and Policies CS5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
21	<p><b>Refuse Storage</b></p> <p>No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved drawings and these facilities shall be retained for this purpose thereafter.</p> <p>Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
22	<p><b>External lighting</b></p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>(a) Identify those areas on the site that are particularly sensitive for bats and that</li> </ul>

	<p>are likely to cause disturbance.</p> <p>(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.</p> <p>(c) Include and isolux diagram of the proposed lighting.</p> <p>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</p> <p>Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Firstly, to ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. Secondly, to conserve the dark night skies characteristics of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
23	<p><b>Hours of work (construction)</b></p> <p>No construction works shall take place outside the following hours:  7:30am to 6:00pm Mondays to Fridays;  8:30am to 1:00pm Saturdays;</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).</p>
24	<p><b>Noise Mitigation</b></p> <p>The development hereby approved shall not be occupied until the noise mitigation measures as set out in the Noise assessment report No: P16-585-R02v2 dated March 2020, submitted with the application, have been implemented. The noise mitigation measures shall be retained and maintained thereafter</p> <p>Reason: To protect future occupants from the adverse effects of excessive noise levels that may be generated by the adjacent commercial uses and any other noise sources in the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007), and Quality Design SPD.</p>
25	<p><b>Contaminated land condition</b></p> <p>Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been</p>



complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved

	<p>development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.</p> <p>An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.</p> <p>If required:</p> <p><b>5. Long Term Monitoring and Maintenance</b></p> <p>A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.</p> <p>This must be conducted in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i>.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 of the West Berkshire Core Strategy (2006 -2026), and Policies OVS.5 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).</p>
26	<p><b>Construction Management Plan</b></p> <p>No development shall not take place until details of a scheme (Construction Method Statement) to control the environmental effects of the demolition and/or construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-</p> <ul style="list-style-type: none"> <li>(i) the control of noise</li> <li>(ii) the control of dust, smell and other effluvia</li> <li>(iii) the control of rats and other vermin</li> <li>(iii) the control of surface water run-off</li> <li>(iv) the proposed method of piling for foundations (if any)</li> <li>(v) proposed construction and demolition working hours</li> <li>(vi) hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site.</li> </ul> <p>The development shall be carried out in accordance with the approved scheme.</p>

	<p>Reason: To safeguard the amenity of adjoining land uses and occupiers. The approval of this information is required at this stage because insufficient information has been submitted with the application. The approval of this information is required before development commences because insufficient information accompanies the application and the Construction Management Plan must be in place before construction operations commence. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 of the West Berkshire Core Strategy (2006 -2026), and Policies OVS.5, OVS.6 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).</p>
27	<p><b>Thames Water</b></p> <p>No dwelling shall be occupied until confirmation of capacity of the water supply and any upgrades required to accommodate the development from Thames Water has been submitted and approved in writing by the local planning authority as part of a discharge of condition application for that purpose. The confirmation from Thames Water shall provide that either:</p> <ul style="list-style-type: none"> <li>a) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or</li> <li>b) a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied.</li> </ul> <p>Where a development and infrastructure phasing plan is agreed with Thames Water, no occupation of those agreed dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p> <p>Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure the provision of adequate and appropriate infrastructure for water supply. The development may have low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any identified reinforcement works will be necessary in order to avoid low / no water pressure issues. This condition is applied in accordance with the National Planning Policy Framework, Policies CS5 of the West Berkshire Core Strategy (2006-2026).</p>
28	<p><b>Petrol / oil interceptors</b></p> <p>No development shall commence until details of petrol / oil interceptors to be fitted in all car parking areas are submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained and maintained thereafter as the approved details.</p> <p>Reason: To ensure the protection of the watercourses within the area from potential pollutants. The approval of this information is required before development commences because insufficient information accompanies the application and the details of petrol / oil interceptors must be in place before construction operations commence. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS16 of the West Berkshire Core Strategy (2006 - 2026), and Policies OVS.5 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).</p>
29	<p><b>Landscaping</b></p>

	<p>All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing numbers Detailed Soft Landscaping proposal ACD Environmental CALA22960-11A Sheets 1 and 2.</p> <p>Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</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 and Hermitage Village Design Statement.</p>
30	<p><b>Landscaping implementation</b></p> <p>The approved landscaping plan Detailed Soft Landscaping proposal ACD Environmental CALA22960-11A Sheets 1 and 2 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 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. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.</p>
31	<p><b>Tree Protection</b></p> <p>Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing numbered plan Barrell tree Consultancy Tree Protection Plan 20066 BT-3.</p> <p>Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.</p>
32	<p><b>The Arboricultural Method Statement</b></p> <p>The Arboricultural Method Statement and tree protection measures within report ref: Barrell tree Consultancy Arboricultural Method Statement V2.1 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p>

	Reason: To ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.
33	<p><b>Arboricultural supervision condition</b></p> <p>No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>

### ***Informatives***

1.	<p><b>Approach of the LPA</b></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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>CIL</b></p> <p>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 the 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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3.	<p><b>Legal agreements - Section 106</b></p> <p>This Decision Notice must be read in conjunction with the terms of the Legal Agreement of the *. You are advised to ensure that you have all the necessary documents before development starts on site.</p>
4.	<p><b>Fire hydrants</b></p> <p>There are at present, no available public mains in this area to provide a suitable</p>

	water supply in order to effectively fight a fire. The applicant is advised to provide suitable private fire hydrants, or other suitable emergency water supplies to meet Royal Berkshire Fire & Rescue Service requirements. The attached condition is instructive.
5.	<p><b>Surface water drainage (Thames Water informative)</b></p> <p>It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
6.	<p><b>Thames Water main(Thames Water informative)</b></p> <p>There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.</p>
7.	<p><b>Construction noise</b></p> <p>The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health. For more information: email <a href="mailto:ehadvice@westberks.gov.uk">ehadvice@westberks.gov.uk</a>, call 01635 519192, or visit <a href="http://info.westberks.gov.uk/environmentalhealth">http://info.westberks.gov.uk/environmentalhealth</a>.</p>
8.	<p><b>Access construction</b></p> <p>The Highways Manager, West Berkshire District Council, Transport &amp; Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.</p>
9	<p><b>Damage to verges,etc.</b></p> <p>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.</p>

#### 8.4 Refusal reason

If the legal agreement is not completed by the 28<sup>th</sup> July 2021, to **DELEGATE** to the Head of Development and Planning to **REFUSE PLANNING PERMISSION**, or to extend the period for completion if it is considered expedient to do so.

## **S106 Planning Obligation Refusal Reason**

The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation.

The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:

(a) Affordable housing, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.

(b) Public open space, including local area of play (provision and governance), without which the proposal would be contrary to the NPPF, Policy CS18, Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Planning Obligations SPD.

(c) An Environmental Management Plan (to secure provision and long-term management and maintenance of hard and soft landscaping, public open space and ecological assets), without which the proposal would be contrary to the NPPF, Policies CS5, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy HSA 24 of the Housing Site Allocations DPD (2006-2026), and the Planning Obligations SPD.

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## Appeal Decision

Inquiry Held on 13-16 and 20-21 November 2018

Site visit made on 15 November 2018

**by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM**

an Inspector appointed by the Secretary of State

**Decision date: 03 December 2018**

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**Appeal Ref: APP/W0340/W/18/3200575**

**Land off Charlotte Close, Hermitage, Berkshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by CALA Homes (Chiltern) Ltd against the decision of West Berkshire Council.
  - The application ref. 17/01144/FULEXT, dated 19 April 2017, was refused by notice dated 20 October 2017.
  - The development proposed (as amended) is the erection of 36 dwellings and associated landscape and highway works.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. At the inquiry an application for costs was made by CALA Homes (Chiltern) Ltd against West Berkshire Council. This application is the subject of a separate decision.

### Preliminary Matters

3. The original application related to a 40 dwelling scheme. With the Council's agreement, it was reduced to 37 dwellings; this is the scheme that was refused planning permission. However, prior to the inquiry, the appellant submitted a further change, reducing the proposal to 36 units. This has been the subject of consultation, the results of which<sup>1</sup> I have taken into account.
4. Bearing in mind, first, the modest scale of the proposed change (one dwelling), second, that the change represents a reduction in the amount of development, third, that the Council does not object to the change, and, fourth, that interested parties (including the Council) have been given an opportunity to comment, I have determined this appeal on the basis of the 36 unit scheme. I issued a ruling to that effect at the start of the inquiry.

### Main Issues

5. The appeal site is allocated for the development of approximately 15 dwellings in the West Berkshire Council Housing Site Allocations Development Plan Document (HSA DPD), which was adopted in 2017.

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<sup>1</sup> Contained in Inquiry Document (ID) 19. Core documents are listed as CD.

6. It is common ground that the development plan is up to date, that the Council can demonstrate a five year supply of land for housing as required by the National Planning Policy Framework (the Framework), that the site lies in a valued landscape in terms of paragraph 170 of the Framework and that the 'tilted balance' set out in paragraph 11(d) of the Framework is not engaged. I have no reason to take a different view on these matters.
7. Following the appellant's submission of further transport evidence, the Council indicates that it no longer wishes to pursue its reason for refusal in respect of highways impact. During the inquiry, it also stated that it did not wish to carry forward its refusal reason in respect of drainage and flood risk.
8. Taking account of the site's allocation in the HSA DPD, the main issues in this appeal are therefore:
  - (a) the appeal scheme's effects on landscape character and visual impact, bearing in mind the site's location within the North Wessex Downs Area of Outstanding Natural Beauty (AONB);
  - (b) whether adequate public open space would be provided;
  - (c) whether the scheme's density would reflect the adjacent settlement character;
  - (d) the adequacy of the scheme's proposed pedestrian and cycle links;
  - (e) the scheme's effects on protected trees; and
  - (f) its effects on biodiversity, including protected species.

## **Reasons**

### *Housing Site Allocation*

9. As noted above, the appeal relates to an allocated housing site. Policy HSA24 of the HSA DPD (2017) requires that its development accords with a number of parameters. Those of most relevance to the main issues in this appeal require:
  - (a) the provision of approximately 15 dwellings to be developed at a mass and density that reflects the adjacent settlement character;
  - (b) that the site will be accessed via Station Road and Charlotte Close with the provision of pedestrian and cycle linkages through the site to an adjoining site (land to the south east of the Old Farmhouse)<sup>2</sup>;
  - (c) the undertaking of an extended phase 1 habitat survey, together with further detailed surveys arising from that as necessary, and a Great Crested Newt survey to cover all ponds within the vicinity of the site;
  - (d) that the final developable area will be dependent upon the extent of any appropriate avoidance and mitigation measures required to be implemented to ensure any protected species will not be adversely affected;
  - (e) development in accordance with the Landscape Sensitivity Assessment (2011), including: the protection and enhancement of the tree line along Station Road and other on-site trees; the protection and enhancement of the hedgerow along the eastern boundary; and the maintenance of the views through and over the built form to the woodland beyond; and

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<sup>2</sup> Planning permission for up to 21 dwellings on this site was granted in outline during the inquiry – ID32.

- (f) that the development design and layout will be further informed by a full detailed Landscape and Visual Impact Assessment (LVIA).
10. The Council does not dispute that the appeal site is suitable in principle for development along the lines set out in policy HSA24. I have no reason to disagree. Its concerns relate to the details, most notably the scale, of the present 36 dwelling scheme.
  11. The appellant accepts that the proposal would not amount to 'approximately 15 dwellings' and, to that extent, that the appeal scheme would conflict with the relevant requirement of policy HSA24. I agree with that view. However, notwithstanding this conflict, the appellant considers that the appeal scheme would accord with the development plan as a whole. I address this matter in more detail in the remainder of my decision.
  12. The appellant has submitted the layout of a 15 unit residential development on the appeal site, together with supporting information including comparative photomontages. However, it was clarified at the inquiry that this scheme does not have planning permission and, indeed, does not form the basis of a planning application. The appellant accepts that there could be alternative ways of developing the appeal site in accordance with the above-noted policy HSA24 parameters. For these reasons I do not attach weight to the appellant's 15 unit scheme.
  13. Nevertheless, given the site's allocation, I agree with the appellant that my assessment of the merits of the appeal scheme should take into account the Council's acceptance that the site is suitable for development in principle. In particular it is necessary that the effects of the present proposal should be considered against the likely effects of an 'approximate 15 dwelling' scheme being developed on the site in line with the requirements of policy HSA24.

*Landscape Character, Visual Impact and the AONB*

14. The appeal site comprises former grazing land on the edge of Hermitage. The land is not presently in agricultural use, being somewhat overgrown with scrub, bracken and rough grassland. Four mature trees within the site were felled in 2016, prior to the making of a Tree Preservation Order (TPO). Open fields lie to the east of the site, separated by a boundary including a number of conifers and a lower broadleaf hedge, and to the south of Station Road, which runs parallel to the site's southern boundary. Station Road, which lies on raised ground and provides a link between the main village and the detached Hermitage Green development, is flanked by several mature trees and a separate footway (to the south); a number of smaller trees and parts of a hedgerow also lie along and near to the site's southern boundary.
15. To the west, the site adjoins the village. The nearest properties are mainly residential, notably those flanking Charlotte Close, a small cul-de-sac that would form the appeal scheme's vehicular access. Commercial garage buildings on Newbury Road occupy a site proposed for a mixed-use scheme comprising residential units and a convenience store. The site's short northern boundary, which is defined by a mix of conifers and broadleaved trees and shrubs, adjoins land to the rear of the White Horse public house. Beyond that, and also adjoining the site's north-eastern corner, lies the Old Farmhouse development site already noted.

16. The appellant's landscape witness describes the site as being an urban fringe environment<sup>3</sup>. I do not agree. As is described in more detail below, Hermitage is a rural village, occupying a clearly rural setting. Views from the village towards the surrounding countryside, backed by more distant wooded hillsides, act to strengthen this rural character.
17. The appeal site is seen within this context. Notwithstanding the establishment of some scrub within the site, grassland remains. The site appears open and undeveloped. Trees and shrubs define its southern, eastern and northern boundaries: while the conifers are not native species, the presence and alignment of trees and shrubs around the site's edges is consistent with the pattern of field boundaries in the wider rural landscape. As a result of these factors, the site has clear visual and landscape similarities with agricultural land in the vicinity of the settlement. It is seen as part of the intimate and small-scale landscape of fields and field boundaries that surrounds Hermitage, contrasting markedly with the built-up nature of the village itself.
18. This contrast is particularly apparent in views from Charlotte Close, where the gate clearly marks (in visual terms) where the settlement ends and the surrounding countryside begins. The site's rural character is also experienced from Station Road, where the undeveloped nature of the site can be appreciated through gaps in the vegetation on and near the site's southern boundary<sup>4</sup>. While Station Road accesses the Hermitage Green development, the section of this road to the south of the site has a clearly rural character, being flanked at present by open land to the north and south.
19. The third main public viewpoint towards the site, from Lipscomb Close, is more distant from the site. In such views, the site is at present largely screened by the conifers along its eastern boundary. These are proposed for removal as part of the appeal scheme.
20. Drawing these matters together, I consider that the appeal site has a rural character and can clearly be differentiated from the adjoining settlement.
21. The 37 unit scheme that was the subject of the Council's refusal of planning permission was the subject of a Landscape and Visual Impact Assessment (LVIA)<sup>5</sup>. However, it was confirmed at the inquiry that the appellant does not intend to rely on this document in the present appeal and, rather, that the evidence of Mr Cook, its landscape witness, should be preferred instead. It is accepted that Mr Cook has assessed the effects of the 36, rather than the 37, unit scheme. Nevertheless, I have two key concerns about the approach that he has followed in assessing the scheme's landscape and visual effects.
22. First, he has not submitted a full LVIA. While he has summarised his conclusions<sup>6</sup>, it is not fully clear how these have been derived. For example, it is not explained which specific landscape features have been assessed in the landscape character assessment within his summary table. Submission of a 'full detailed' LVIA is a requirement of HSA DPD policy HSA24. Submission of a LVIA is also required by the HSA DPD's general site policy GS1.

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<sup>3</sup> For example, paragraph 12.25 of Mr Cook's proof of evidence.

<sup>4</sup> For example, see photograph BK2 in appendix BK6 to Mrs Kirkham's proof of evidence.

<sup>5</sup> CD1.03.

<sup>6</sup> Summarised in appendix 26 to his proof of evidence.

23. Second, I disagree with a basic premise of Mr Cook's assessment – namely that the majority of the landscape and visual impacts described would be beneficial. In large part, this conclusion results from his view (expressed at the inquiry) that in this location the housing that is presently proposed would be of a type and quality that would have at least a neutral effect, and that the scheme's green infrastructure elements (notably the removal of the conifers) and the introduction of new boundary planting would create a net benefit.
24. In respect of the scheme's housing element I do not accept Mr Cook's assertion that the effect of the proposed housing would be neutral in landscape and visual terms. Irrespective of the design quality of individual dwellings, and subject to the effect of intended green infrastructure proposals, the presence of housing within the appeal site, together with the suburbanising effects of roads, driveways, fences and ancillary domestic buildings, would act to generally detract from the site's rural character, as described above. (I comment later about the scheme's acceptability in terms of density with reference to the adjacent settlement character.) While there is disagreement about the scale and timing of effects between the Council's landscape witness and the LVIA submitted in respect of the 37 unit scheme, both take the view that adverse effects would result, at least at some stage during the scheme's development.
25. The site contains two broad landscape elements – the grassland/scrub within the site and the trees and hedgerows that lie on its boundaries, notably to the east and south. The main parties differ as to the value to be attached to these features. In the Council's view the site overall has 'exceptional/high' value, as a result of its location within the AONB<sup>7</sup>. In contrast, the appellant considers the grassland/scrub and the conifers to be of 'low' value<sup>8</sup>, while the value attached to the other existing trees and hedgerows is not explicitly stated.
26. I accept the appellant's assertion that in principle a large AONB may contain a variety of landscapes of differing values when assessed at a more local scale. However, for the reasons set out above I consider that the appeal site has a rural character, exhibiting clear visual and landscape similarities with other agricultural land in the vicinity of the settlement. As discussed below, I also consider this character to contribute to the natural beauty of the AONB. As such, it seems to me that the site has, at least, a 'high' landscape value.
27. Accordingly, the scheme's effect on landscape character would be markedly different to the 'moderate (beneficial)' suggested by Mr Cook<sup>9</sup>. Bearing in mind my assessment above, I agree with the Council that the site has a 'medium' susceptibility to change. Adopting GLVIA methodology<sup>10</sup>, this gives the site a 'medium-high' degree of landscape sensitivity.
28. In terms of the magnitude of change that would result, I agree with Council's assessment ('medium-high'). Clearly, the introduction of 36 dwellings onto undeveloped former pasture land would represent a significant change. While protected trees would be retained<sup>11</sup> and new planting introduced, the resulting boundaries would be seen in the context of the adjoining residential gardens rather than undeveloped fields. In addition, the suggested crown lifting and

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<sup>7</sup> Mrs Kirkham's proof of evidence, paragraph 5.38.

<sup>8</sup> Mr Cook's proof of evidence, paragraphs 5.11 and 5.8.

<sup>9</sup> Mr Cook's proof of evidence, paragraph 5.17.

<sup>10</sup> Appendix BK1 to Mrs Kirkham's proof of evidence.

<sup>11</sup> Clarified at the inquiry by Mr Cashman.

crown reduction of a number of protected trees, as set out in the submitted arboricultural impact assessment and method statement<sup>12</sup> (and discussed further below in respect of the relationship between protected trees and the proposed flatted block) could act to diminish their prominence and reduce their screening effect. Although the felling of the conifers would remove non-native trees from the landscape, this would also act to reduce the prominence and screening effect of the site's eastern and northern boundaries.

29. Applying GLVIA methodology, a 'medium-high' degree of change to a site of 'medium-high' sensitivity would result in a landscape effect of 'major/moderate' significance. For the reasons described above, I consider that this effect would be adverse. This would result in material harm to landscape character.
30. Clearly, development of the appeal site along the lines set out in the HSA DPD would also result in landscape change. However, the scale of development set out in policy HSA24 would be less than half of the 36 units now proposed. This would leave greater potential for open land to be retained within the site and for a greater degree of separation to be introduced between residential properties and the site's southern and eastern boundaries. As already noted, policy HSA24 requires that the development design and layout will be further informed by a full detailed LVIA. As such, I am satisfied that it is likely that a scheme along the lines of that set out in the HSA DPD would have a materially less adverse landscape effect than that now proposed.
31. Turning to the scheme's visual effects, and with reference to the discussions at the inquiry, it seems to me that there are three public views of particular significance: those towards the site from the Newbury Road/Charlotte Close junction, Station Road and Lipscomb Close. These approximately relate to viewpoints 4, 7/8 and 13 in the Landscape Statement of Common Ground, although in considering views from Station Road I have assessed views from the carriageway itself, as well as from the footway to the south.
32. When seen from the Newbury Road/Charlotte Close junction, the appeal site appears as undeveloped land beyond the end of the small residential cul-de-sac. Although open space is proposed on the southern side of the scheme's access road, the line of dwellings further east (notably units 1-5) would be easily seen. To my mind, they would appear as a built intrusion into the presently open view across the site towards the trees and shrubs on the site's southern boundary and the wooded slopes beyond. While the tops of trees and distant slopes would remain visible, they would appear as a background to a built-up, rather than a rural scene. I agree with the Council's landscape witness<sup>13</sup> that this would create a 'major/moderate adverse' visual effect at year 1. Given the intention that the open space area would accommodate a children's play area as well as a sustainable drainage (SuDS) feature, I see little potential for the introduction of significant planting sufficient to materially reduce this effect by year 15. A harmful visual impact would result.
33. In contrast, the lower unit numbers set out in the HSA DPD offer the potential for land to the south of the suggested access road to remain undeveloped, thereby retaining the above-noted view. In principle therefore it seems to me likely that the above-noted harm could therefore be reduced or avoided by a scheme along the lines of that set out in policy HSA24.

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<sup>12</sup> See schedule set out in appendix 1 to Mr Cashman's proof of evidence.

<sup>13</sup> Effects summarised in appendix BK2 to Mrs Kirkham's proof of evidence.

34. I saw on my visit that the interior of the appeal site is easily seen from Station Road through gaps in the boundary vegetation. The appeal scheme – most particularly the south-facing elevations of units 1-12 – would be very apparent to passers-by at year 1. Given the rural nature of this part of Station Road, where open land is currently present on both sides, the resulting effect would be ‘major/moderate adverse’. As the footway to the south of Station Road is at a somewhat lower level to the road, I do not share the Council’s view that a ‘major’ adverse effect would result in respect of pedestrians using that route. Nevertheless, a harmful visual impact would result.
35. It is proposed to strengthen the site’s southern boundary treatment. However, although full planting details could be secured by condition if the scheme were to be otherwise acceptable, the limited degree of separation (some 3 metres) between the back of the proposed residential gardens and the site’s boundary would in my view be insufficient to introduce material screening. The presence of built development would remain apparent to passers-by. While post and rail fencing is suggested for the rear gardens, the appellant’s witness accepted at the inquiry that this could not be easily controlled in the future and that close-boarded fences could be introduced. In addition, crown lifting and/or crown reduction of the protected trees in the vicinity of the flatted block (see below) could act to increase its visibility from Station Road. I do not therefore feel that the above-noted adverse effect would be materially reduced by year 15.
36. For the reasons set out above, I consider that the lower unit numbers set out in the HSA DPD offer the potential for a greater area of landscaping – and therefore more substantial planting – to be introduced on or near to the site’s southern boundary. It is therefore likely that the above-noted harm could be reduced or avoided by a scheme along the lines of that set out in policy HSA24.
37. As already noted, Lipscomb Close lies at a greater distance from the appeal site than the other viewpoints described above. While the site is visually well-contained when seen from this direction by the conifers along its eastern boundary, these are proposed for removal in the appeal scheme. The dwellings along the eastern side of the development (notably units 13-19) would therefore be visible over the intervening field. A built feature would be introduced into a view that, notwithstanding the limited visibility of the Hermitage Green development and the presence of existing buildings at and around the Old Farmhouse, is generally rural in character.
38. However, given the likely presence of houses on the adjoining Old Farmhouse development, and noting the degree of separation between the site and the viewpoint, I consider that the resulting effect would be only ‘moderate adverse’ at year 1. This would not amount to significant harm, but would still be an adverse effect. Given the limited width of the intended planting strip (as on the southern boundary), I do not feel that the new planting would be sufficient to materially reduce this effect by year 15. Indeed it is likely that the contrast between the appeal scheme and the more generous landscape buffer proposed in the Old Farmhouse development would over time become apparent. Consistent with my comments above, I feel that the lower unit numbers set out in the HSA DPD offer the potential for a more generous landscaped area to be introduced on or near to the site’s eastern boundary.
39. I turn to consider the effects on the AONB. The appellant’s case, in summary, is that irrespective of whether landscape or visual harm is identified through

- the LVIA process discussed above (although the existence of such harm is disputed), the proposal would not harm the special qualities of the AONB.
40. The defining characteristic of an AONB, upon which section 85(1) of the Countryside and Rights of Way Act 2000 places a duty to conserve and enhance, is its natural beauty. In seeking to determine the special qualities that give the North Wessex Downs AONB its natural beauty, the appellant refers exclusively to the AONB Management Plan 2014-2019 (AONB MP)<sup>14</sup>. However, although this is the AONB's statutory management plan it does not follow that it represents the sole assessment of the features and qualities for which the AONB has been designated. In that context, the AONB MP itself makes reference to a 2002 landscape assessment which it states, among other matters, 'draws out the special qualities of the landscape'<sup>15</sup>.
41. That document, the North Wessex Downs AONB Integrated Landscape Character Assessment<sup>16</sup>, identifies the locality as lying within the Lowland Mosaic landscape character type. Among the key assets of the Lowland Mosaic, to be conserved and enhanced, that it describes are 'field patterns and hedgerows and particularly through ensuring appropriate management to allow regeneration of hedgerows'. More specifically, the site and its surroundings lie within the identified Hermitage Wooded Commons landscape character area. Key characteristics of this area (in summary) include: 'variable land cover forming an intricate mosaic of woodland, pasture and small areas of remnant heathland ...'; 'large interconnected woodland blocks and strong hedgerow pattern with mature trees restrict views and create an enclosed and intimate character ... low wooded horizons are a feature'; and '... small, irregular fields of informal and piecemeal enclosures ...'. One of the identified key issues is 'comparative accessibility resulting in development pressures, particularly for new residential development including suburbanising influence of built development (eg fencing, lighting and paddocks)'. I consider that the adverse landscape and visual effects that I have described above would be at odds with these key characteristics.
42. Furthermore, it is clear from the AONB MP itself that it is the rural character of the AONB that underlies many, if not most, of its special qualities. In respect of the Lowland Mosaic, the AONB MP states that 'the key issues for the Plan period will be conserving and enhancing the small-scale, secluded and rural character of the area ...'<sup>17</sup>. For the above-noted reasons, I consider that the appeal scheme would not accord with this ambition. Drawing the above together I consider that the appeal scheme would materially harm the natural beauty of the AONB.
43. In making these assessments, I am mindful of the findings of the Landscape Sensitivity Assessment 2011 (LSA 2011) of a number of potential development sites within the AONB<sup>18</sup>. As already noted, policy HSA24 requires the site's development to accord with that document. However, the findings of the LSA 2011 need to be considered in the present context. Specifically, it states, among other matters, that the site is well contained by tree and scrub vegetation and that development could be accommodated and retain a small

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<sup>14</sup> CD15.4.

<sup>15</sup> CD15.4, page 20.

<sup>16</sup> CD12.7.

<sup>17</sup> CD15.4, page 29.

<sup>18</sup> Appendix 17 to Mr Cook's proof of evidence. (CD12.2 contains an extract for a different settlement).



scale pattern without intruding into the wider AONB. In terms of visual impact it states that development would have a localised impact on views out from property along the B4009 (Newbury Road) to the wooded hills to the east and that by retaining and enhancing existing tree cover and hedgerows, the visual impact of any development could be contained<sup>19</sup>.

44. It is however clear from an examination of relevant photographs, as well as from the evidence of Council witnesses and local residents, that there have been material changes in the amount of tree and scrub cover within the appeal site since the LSA 2011 was undertaken. In particular, four mature trees have been felled. There also appears to have been a reduction in the area of scrub within the site. The site is therefore markedly less well contained than it was at the time of LSA 2011 – an effect that would be exacerbated by the intended removal of the conifers. My findings in this appeal relate to the site as it presently appears and to the scheme that is presently proposed.
45. The LSA 2011 concluded that development of the site subject to the stated recommendations would result in little harm to the natural beauty of the AONB. As already noted, the baseline conditions of the site have changed since that assessment. However, given that a greater part of the site would be available for landscaping than in the present proposal, I see no reason why a scheme along the lines of the approximate 15 dwellings stated in policy HSA24 could not be developed with less harm being caused to the AONB's natural beauty than would arise from the appeal proposal.
46. The main parties differ as to whether the appeal scheme would amount to major development in the AONB. Paragraph 172 of the Framework states, among other matters, that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 55 to that paragraph explains that whether a proposal is major development in this context is a matter for the decision-maker, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
47. In the present case, I do not consider the appeal scheme to amount to major development in the sense of paragraph 172. In the context of a village of some 800 dwellings, it would not amount to a significant proportional increase (some 4.5%). While harm would be caused to the AONB as already discussed, it would be localised – being restricted to the site itself and a limited number of viewpoints. It would not therefore have a *significant* adverse impact in the terms set out in footnote 55. I note in this context that the Council does not consider either the Old Farmhouse scheme (21 units) or the site's development for the approximate 15 dwellings set out in policy HSA24 to amount to major development in this context. Nevertheless, this does not affect the material harm that the appeal scheme would cause to the AONB's natural beauty.
48. Drawing the above together, I conclude that the appeal scheme would result in material harm to the site's landscape character, would create a harmful visual impact in respect of views from Charlotte Close and Station Road and would materially harm the natural beauty of the AONB. In this regard the scheme would conflict with relevant development plan policies, notably policies GS1 and HSA24 of the HSA DPD and policies ADPP5, CS14, CS18 and CS19 of the

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<sup>19</sup> Page 77 of LSA 2011.

West Berkshire Core Strategy (2006-2026) (CS). In all cases, it is likely that these adverse effects could be reduced and/or avoided by a development with lower unit numbers along the lines set out in policy HSA24.

### *Public Open Space*

49. Saved policy RL.1 of the West Berkshire District Local Plan 1991-2006 (LP) requires new residential development of ten or more dwellings to provide between 3 and 4.3 hectares of public open space per thousand population in such form, scale and distribution as may be considered appropriate depending on local circumstances. While the LP mentions an average occupancy rate of 2.6 persons per dwelling dating from 1998, I see no reason not to apply the more recent occupancy rate of 2.46 persons per dwelling derived from the 2011 census<sup>20</sup>. There is clearly an advantage to using up-to-date information. This gives a population figure of some 88 people for the appeal scheme, equating to a required provision of 0.264 to 0.378 hectares.
50. The appeal scheme proposes the provision of 0.02 hectares of childrens' play space, along with 0.17 hectares of public amenity space. The latter includes an open space area to the south of the access road that would accommodate a SuDS feature, linear open spaces flanking the two pedestrian/cycle links and the planting strips that are proposed along much of the site's southern, eastern and northern boundaries.
51. There is no dispute that the proposed total falls short of the requirement of LP policy RL.1. While the appellant refers to a further breakdown of open space types set out in the Council's Planning Obligations Supplementary Planning Document (SPD), stating that it is not feasible to provide the 'playing fields and specialist activity areas' element within the appeal site, this does not supersede the relevant development plan requirement. On the appellant's figures, there is a clear shortfall.
52. However, this shortfall is more serious than is suggested by the above figures for two reasons. First, given the appeal site's rural location and noting the particular constraints imposed on the site's development by HSA DPD policy HSA24, it seems to me that there is scope to exceed the minimum open space requirement set by LP policy RL.1 in the present case. Second, although amenity land is listed as an open space function in LP paragraph 7.5.1, it is clear from LP paragraph 7.5.3 that informal open space should be accessible safely by foot. This is a clear indication that the intention of the relevant policy standard is to provide usable and accessible open space: in my view, much of the landscaped strips on the site's eastern and southern boundaries would fail to satisfy such a requirement. From the evidence before me, it appears that they would largely be occupied by trees and shrubs.
53. For these reasons, I conclude that adequate public open space would not be provided. There would be a shortfall from the standard set out in LP policy RL.1. As such the scheme would also conflict with LP policies RL.2 and RL.3 and, in this regard, CS policy CS18. In contrast, I see no reason why adequate public open space provision could not be made within a development with lower unit numbers along the lines set out in HSA DPD policy HSA24.

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<sup>20</sup> Paragraph 3.3.2 of Mr Phillip's proof of evidence.

### *Density*

54. As already noted, HSA DPD policy HSA24 requires the site's development to be at a mass and density that reflects the adjacent settlement character. The Council raises an objection to the scheme's density in this context.
55. Both main parties have sought to calculate the density of the appeal scheme in comparison to that of other sites in Hermitage. Unfortunately there is little agreement about the details of these calculations<sup>21</sup>. Nevertheless, the overall pattern of the village's development is clear<sup>22</sup>. While most of Hermitage has been built at a relatively low net density of between 5 and 20 dwellings per hectare (dph), more recent additions (since 2004) have been at a markedly higher net density – namely Hermitage Green (2004 – 36.5dph), Pinewood Crescent/Forest Edge (2005 – 38.3 dph) and Blake Road (2012 – 35 dph).
56. The appellant argues that these additions form part of the settlement's character and that the appeal proposal, which it states would achieve a net density of 33.6 dph (an assessment that is disputed by the Council), would therefore reflect that character. However, it seems to me that the relevant requirement of policy HSA24 can fairly be read as referring to the adjoining settlement as a whole – a view that is consistent with the Framework's requirement<sup>23</sup> that development that makes efficient use of land should take into account (among other matters) 'the desirability of maintaining an area's *prevailing* character and setting (including residential gardens)' (my italics).
57. The prevailing character of Hermitage is clearly that of low density residential development. To my mind, the above-noted recent residential developments appear as uncharacteristic additions to the prevailing density of the village. Their approval and construction predate the policy approach towards residential densities within the AONB that is now set out in the HSA DPD.
58. But in any event, I see no reason why the density of development at Hermitage Green should guide that of the appeal scheme. Hermitage Green has a particular history, involving previously-developed land, that is not directly relevant to the present proposal. Moreover, it is physically distinct from the remainder of the village and is visually separated from the appeal site, which it does not directly adjoin – the two site corners being separated by Station Road. While the garage site (proposed to be redeveloped at 36.4 dph) does adjoin the appeal site, it is also brownfield land and already forms part of the village's built-up area. The Old Farmhouse scheme proposes a somewhat lower density than these two schemes of some 28.8 dph.
59. Furthermore, the appeal site would be accessed via Charlotte Close, which (along with properties on the opposite side of Newbury Road) is an area of low density residential development like much of the rest of the village. To my mind, the present proposal would appear at odds with this immediate setting. It would markedly exceed the prevailing density of the village, and would also exceed the likely density of the recently approved Old Farmhouse scheme.

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<sup>21</sup> See comparison table in ID20.

<sup>22</sup> See for example the net density plan in appendix 6 to Mr Turner's proof of evidence. For consistency, I have adopted Mr Turner's density calculations in this part of my decision, although I note that some of these are disputed by the Council.

<sup>23</sup> Paragraph 122 of the Framework.

60. I therefore conclude that the density of the appeal proposal would not reflect the adjoining settlement character, contrary in this regard HSA DPD policies HSA24, C1 and C3 and CS policies CS14 and CS19. Development of a scheme along the lines set out in policy HSA24 would result in a markedly lower site density, in line with the village's prevailing character as described above.

#### *Pedestrian and Cycle Links*

61. The Council accepted at the inquiry that its concerns about the design of the junction of the southern pedestrian/cycle link and Station Road could in principle be addressed by the imposition of a planning condition. I have no reason to disagree. Its remaining concerns relate to the design of the pedestrian/cycle route at the north-eastern corner of the site that is intended to link with the Old Farmhouse site in line with HSA DPD policy HSA24.

62. This route would be short (some 20 metres within the site). It would be overlooked in part by the north-facing elevation of the plot 19 house. Windows in the front elevation of the plot 20 house would allow views down the length of the route within the site. While the indicative layout for the Old Farmhouse development suggests that a 'dog-leg' would result, there is sufficient flexibility in that planning permission (which requires further details to be submitted) to enable an appropriate design to be achieved. I have seen no substantive evidence that the resulting arrangement would encourage anti-social behaviour – or indeed that such behaviour is a particular problem in the village.

63. I conclude that the proposed pedestrian and cycle links would be adequate. In this regard the appeal scheme would accord with relevant development plan policies, notably HSA DPD policy HSA24 and CS policies CS13 and CS14.

#### *Protected Trees*

64. The matters separating the main parties in respect of protected trees were clarified during the inquiry. The appellant confirms that it is not intended to remove any trees within the site that are subject to TPO protection. This relates to nine individual trees, mostly (but not exclusively) located near to the site's southern boundary, and a number of smaller trees (group A1) near to the southern boundary. It is common ground that, were the appeal scheme otherwise acceptable, tree protection measures could be secured by the imposition of a planning condition.

65. The Council's outstanding objection relates to the potential for the appeal scheme to create pressure for the felling or reduction of protected trees in the vicinity of the proposed flatted block at the site's south-eastern corner. Particular concern is raised about three mature trees (nos. T2, T3 & T4 of the TPO). These comprise two Oaks and one Sweet Chestnut. All are mature and all are easily seen from Station Road; in such views their scale and appearance contribute significantly to the area's amenity.

66. It is common ground, as established on site, that the closest elevation of the flatted block would be sited some 2-3 metres from the canopy of the nearest tree (the Oak T2). The resulting relationship would be clearly apparent to the flats' occupiers; all three trees would appear as substantial features when seen from facing windows and from the amenity space to the south of the building.

67. However, while I note the concerns that have been raised by the Council about the appellant's shadow analysis, I consider that as a result of the trees' position

and the siting and orientation of the flatted block, both the rear elevation and the amenity space would be likely to be subject to acceptable levels of sunlight during the afternoon. In making this assessment I have noted the appellant's recommendation that these trees should be subject to crown reduction (to balance shape) and crown lifting over Station Road as required<sup>24</sup>. While the details of any pruning would be a matter for the Council to consider at the appropriate time, I have no reason to believe that such works would harm either the trees' long term health or their amenity value. The intended communal management of the flats' amenity address would be likely to address any concerns about falling leaves and other debris.

68. Therefore, while I am conscious that pressure can exist for the felling or unacceptable reduction of protected trees, I am satisfied that given the circumstances described above, this would be unlikely to be a material factor in the present case. I conclude that the appeal scheme would be unlikely to materially harm protected trees. In this regard, it would accord with relevant development plan policies, notably HSA DPD policy HSA24.

### *Biodiversity*

69. As is also explored in the costs decision, the positions of the main parties have evolved in respect of this issue since the Council's refusal of planning permission. Three main matters now separate the main parties: (1) the hedgerow on the site's southern boundary, (2) reptiles and (3) Great Crested Newts (GCN). I address each in turn.
70. **Hedgerow:** The Ecology Assessment (EA) submitted with the application (as amended)<sup>25</sup> identifies an intact, species rich hedgerow with trees along the site's southern boundary. However, while parts of this feature can be seen at the site, other sections appear to comprise a narrow belt of trees rather than a hedgerow in the accepted sense of the word. As already described, there are gaps in the vegetation. Nevertheless, I do not doubt that the remaining feature retains at least some of the habitat value of the hedgerow that was observed when the site was originally surveyed. The appeal scheme proposes new planting along this boundary, the details of which could be secured by condition were the development to be otherwise acceptable. This offers the potential to reinforce and/or reinstate a valuable habitat feature.
71. There was debate at the inquiry about the role of this hedgerow in terms of the wider connectivity of habitats in the site's locality. In my view it provides (or has the potential to provide) a linkage between larger woodland blocks as part of a wider network of field boundaries in the locality. Indeed, this is accepted by the appellant's EA<sup>26</sup>.
72. I have commented above that the suggested 3 metre planting strip would offer limited potential for screening along this boundary. However, while a larger landscaped area – which could potentially be secured as part of a proposal along the lines of that set out in HSA DPD policy HSA24 – would provide greater opportunities for habitat enhancement (for example more planting or the establishment of areas of habitat adjoining the hedgerow), I see no reason why a hedgerow of ecological value could not be accommodated within the

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<sup>24</sup> See schedule set out in appendix 1 to Mr Cashman's proof of evidence.

<sup>25</sup> CD1.10.

<sup>26</sup> Figure 10 and page 29 (last paragraph) of CD1.10.

strip that is now proposed. Subject to the approval of appropriate details, I consider that the appeal scheme would not harm, and could indeed enhance, the hedgerow's biodiversity value.

73. **Reptiles:** It is common ground that the appeal site is a key reptile site, with the presence of three species established (Common Lizard, Slow Worm and Grass Snake). It is also common ground that insufficient habitat for reptiles would be retained within the site as a result of the scheme. Accordingly, the appellant proposes to create a reptile receptor site on land north of Shaw, some 4 km south of the appeal site. Subject to matters discussed below, the undertaking seeks to secure this site as part of a wider ecological management scheme that would also include (among other matters) further assessment of the appeal site's reptile population and details of future management and monitoring. Survey work confirms that the receptor site does not presently support a reptile population. Habitat improvements are suggested.
74. Given my overall conclusion that the appeal should be dismissed, it is not necessary to undertake an assessment of whether the undertaking complies with the tests set by Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. Nevertheless, I do comment on its details in respect of species protection measures.
75. In doing so, matters are complicated by the introduction of measures in respect of GCN that did not appear in earlier drafts of the undertaking – in particular the provision (introduced at a late stage during the inquiry) that an alternative receptor site can be considered if the Council states that the identified receptor site (termed the Ecological Management Area in the undertaking) should be at location other than that referred to above.
76. While I have no reason to doubt that in principle an alternative site (including management and monitoring actions) could be secured in legal terms, I have specific concerns about the approach that the appellant has pursued.
77. The mechanism to secure a different receptor site<sup>27</sup> requires that either a deed of variation of the present deed (under section 106A of the Act) or a new planning obligation has been entered into. In practice, this would have a similar effect to a negative (Grampian-style) condition that limited the commencement of development until the deed of variation or new planning obligation is entered into. Planning Practice Guidance<sup>28</sup> advises (in respect of negative conditions) that such an arrangement is unlikely to be appropriate in the majority of cases. It adds that ensuring that any planning obligation or other agreement is entered into *prior to granting planning permission* (my italics) is the best way to deliver sufficient certainty for all parties about what is being agreed and that (among other matters) it is important in the interests of maintaining transparency.
78. It seems to me that the principle of this advice applies equally to the present undertaking. Relying on another planning obligation or a deed of variation is neither certain (in that the identified site is not guaranteed to come forward) nor transparent. I have seen no details of any alternative site and therefore I cannot reach a view on the merits of any such site when determining the present appeal. In summary, the inclusion of this provision, which I appreciate

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<sup>27</sup> Clause 4.3 of the unilateral undertaking – ID36.

<sup>28</sup> Reference ID: 21a01020140306.

is intended to address Council concerns about the identified receptor site's suitability for GCN as well as reptiles, means that I cannot be sure that the identified receptor site (for which evidence has been presented and which I have visited) would be secured. I have no information about any other potential site that may come forward upon which to base my decision.

79. Notwithstanding this, it is appropriate to consider the merits of the identified receptor site in respect of reptiles. With reference to Natural England (NE) standing advice<sup>29</sup>, it is clear that translocation represents a last resort. It would only be justified in principle if the appeal scheme were to be otherwise acceptable – which is not the case. Nevertheless, if my other concerns did not exist, I am satisfied that the identified receptor site would be acceptable in terms of the NE advice. Although smaller than the appeal site, the receptor site has the potential to become a materially improved reptile habitat given the arrangements proposed for habitat establishment and management. Monitoring would be secured and maintenance would continue for a 25-30 year period. The appeal site's development would not commence until the receptor site had been set out in accordance with the agreed scheme.
80. Subject to the above, I therefore consider that were the scheme otherwise acceptable, the identified receptor site and its associated habitat improvement, management, monitoring and translocation arrangements would be sufficient to safeguard the appeal site's reptile population. However, for the reasons set out above, I am not satisfied that the undertaking provides sufficient certainty that this outcome would be achieved. Accordingly, my overall view is that the scheme would fail to adequately protect the appeal site's reptile population.
81. While a development along the lines of that set out in HSA DPD policy HSA24 would result in more space being available for on-site mitigation, the Council accepts that off-site mitigation may possibly be required in the context of that scheme<sup>30</sup>. Nevertheless, the potential to retain some reptile habitat on-site would be likely to result in greater safeguards for the site's reptile population than the present proposal.
82. **Great Crested Newts (GCN):** As already noted, HSA DPD policy HSA24 requires that a GCN survey is undertaken 'to cover all ponds within the vicinity of the site'. However, although the appellant's EA identifies eight ponds within 500 metres of the appeal site (two of which – ponds 1 and 2 – lie within 250 metres), none were actually surveyed. While the EA states that access was not possible to any of these ponds, the appellant's ecology witness was, in response to questions at the inquiry, unable to explain what actions (if any) had been taken to attempt to gain access.
83. The EA notes that an eDNA survey was undertaken from a 'wet ditch' that extends north from pond 2 towards the appeal site – with a negative result. While I have no reason to doubt that the relevant sampling was undertaken in line with accepted procedures (although full details have not been provided), it appears from the evidence before me that the waterbody concerned is likely to contain a flow of water. As such, it is unlikely to prove attractive to GCN. (However, the Council's allegation that the waterbody may be polluted by run-off from nearby roads is unsupported by substantive evidence.)

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<sup>29</sup> ID16.

<sup>30</sup> Mr Sutton's proof of evidence, paragraph 4.6.3.

84. In any event, given the presence of another unsurveyed pond (pond 1) some 80 metres from the appeal site, and noting that (as is not disputed) the site itself contains suitable terrestrial habitat for GCN, it seems to me that the EA's conclusion that there is a 'negligible potential for the presence of GCN on site'<sup>31</sup> was not adequately justified. It is surprising that the EA's conclusion, which is now contested by the Council, was not challenged in its case officer's report, which does not refer in detail to GCN at all. Nevertheless, this omission does not over-ride my view that inadequate consideration was given to GCN in the EA – a failing that is striking given the requirement set out in policy HSA24.
85. Subsequent to the refusal of planning permission, the Council informed the appellant that a GCN population of a 'moderate' size class had been found in pond 1 during surveys associated with the Old Farmhouse development. In my view, it is likely that this population remains: planning permission for that development was granted subject to appropriate mitigation measures, including the provision of on-site GCN habitat.
86. Given the presence of a connecting field boundary, and noting both the proximity of the appeal site to pond 1 and the suitability of the site's terrestrial habitats for GCN, it seems to me that there is a high probability of GCN being present on the site. This conflicts with the relevant conclusion of the EA. It also conflicts with the appellant's view that notwithstanding the information now before the inquiry, the presence of GCN on-site is unlikely and if they are present they are likely to be few in number<sup>32</sup>.
87. Taking the above matters together, and notwithstanding the (to my mind surprising) view of the Council's ecology witness that no further survey work is now needed, I consider that a proper assessment of the likely effects of the appeal scheme on the above-noted GCN population has not therefore been undertaken. National policy in Circular 05/2006 requires that this is established prior to any grant of planning permission<sup>33</sup>. Leaving such work to be conditioned after a grant of planning permission should only occur in exceptional circumstances. The appellant argues that the 'highly belated emergence of the issue'<sup>34</sup> generates such exceptional circumstances. I do not agree. While better advice could certainly have been provided by the Council during the planning application process, the need to undertake GCN surveys was clearly signalled in the relevant development plan policy (HSA24). Furthermore, the appellant was aware of that policy's development, having made representations on it during the HSA DPD examination.
88. As described above, the appellant has sought to make provision for potential GCN translocation through the submitted unilateral undertaking. For the reasons already discussed (and irrespective of my view that the identified receptor site would be suitable for reptile relocation), I have general concerns about the principle of the overall approach that has been adopted. These comments are equally relevant to the intended approach in respect of GCN.
89. Furthermore, and notwithstanding the above, I do not consider that the identified receptor site would be suitable for GCN relocation. It fails several of the tests set out in the relevant NE standing advice<sup>35</sup>. Given my comments

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<sup>31</sup> Page 29 of CD1.10.

<sup>32</sup> Paragraph 25 of Mr Banner's closing submissions – ID34.

<sup>33</sup> Paragraph 99 of ODPM Circular 06/2005.

<sup>34</sup> Paragraph 31 of Mr Banner's closing submissions – ID 34.

<sup>35</sup> ID17.



above, I feel that this suggested mitigation strategy does not derive from a proper assessment of the likely effects of the appeal scheme on GCN. As with reptiles, translocation is sequentially less preferable than other measures, including redesigning the development scheme to provide on-site mitigation. The identified receptor site was not selected with GCN in mind, does not contain any waterbodies and, on the evidence before me, does not lie close to any waterbodies. It is further away from the appeal site than the 1 km distance set out in the standing advice.

90. For the above reasons, I consider that the appeal scheme would fail to secure adequate protection for the site's GCN population. I cannot therefore be satisfied that a licence under the Habitats Regulations 2017 would be granted in the event of the appeal being allowed, were matters otherwise acceptable.
91. While a development along the lines of that set out in HSA DPD policy HSA24 would result in more space being available for on-site mitigation, it is unclear – in the absence of a proper assessment – whether this would be sufficient to secure adequate protection for GCN. Nevertheless, given the sequential approach noted above, the potential to retain some habitat may well result in greater safeguards for the site's GCN population than the present proposal.
92. **Overall conclusion on biodiversity:** Drawing the above together, I conclude that while the appeal scheme would not harm, and could indeed enhance, the biodiversity value of the southern hedgerow, it would fail to provide adequate protection for the site's reptile and GCN populations. In the latter regard, the scheme would conflict with relevant development plan policies, notably HSA DPD policy HSA24 and CS policy CS17. It is likely that a development along the lines of that set out in HSA DPD policy HSA24 would result in greater safeguards for the site's reptile and GCN populations than the present proposal.

#### *Other Matters*

93. Local residents raise concerns about the scheme's effects on highway safety, with particular reference to the mini-roundabout at the Station Road/B4009 junction to the south of Charlotte Close. However, no technical highway evidence has been produced in support of these concerns. I therefore have no reason to dispute the Council's view<sup>36</sup> that in the light of additional transport impact evidence that has been provided by the appellant, taking account of cumulative effects of other committed developments, it is satisfied that the effects on the B4009 and nearby roundabout would be acceptable.
94. While no specific provision is made for local services and facilities through the submitted undertaking, such matters would be eligible for CIL funding were the scheme to be otherwise acceptable. The main parties now agree that the Council's previous concerns in respect of drainage and flood risk could be adequately dealt with by details that could be the subject of conditions in the event of the appeal being allowed. I have no reason to disagree.

#### *Planning Balance and Conclusion*

95. I have concluded above that the appeal scheme's pedestrian and cycle links would be adequate, that the scheme would be unlikely to materially harm protected trees and that the biodiversity value of the site's southern hedgerow would not be harmed and could indeed be enhanced. The scheme's intended

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<sup>36</sup> Statement of common ground, paragraph 2.5(i).

provision of affordable housing, which would be secured by the submitted undertaking and which would exceed the likely provision from a scheme along the lines of that set out in HSA DPD policy HSA24, would be a considerable benefit. As the Council accepts, the provision of additional market housing would also be beneficial: it was clarified at the inquiry that while the CS seeks to provide the majority of new housing outside the AONB, the Council does not in practice operate a 'cap' on housing proposals within the AONB.

96. Nevertheless, I have also concluded: (1) that the appeal scheme would result in material harm to the site's landscape character, would create a harmful visual impact in respect of views from Charlotte Close and Station Road and would materially harm the natural beauty of the AONB; (2) that adequate public open space would not be provided; (3) that the density of the appeal proposal would not reflect the adjoining settlement character; and (4) that the proposal would fail to provide adequate protection for the site's reptile and GCN populations. In all of these respects, the scheme would conflict with development plan policies, in addition to the acknowledged conflict with the 'approximate 15 dwellings' figure set out in HSA DPD policy HSA24. Furthermore, in respect of all of these conclusions I consider that it is likely, on the evidence before me, that the adverse effects that I have identified could be reduced, or avoided altogether, by the development of a scheme along the lines of that set out in policy HSA24. Clearly, however, any specific proposal would require to be assessed on its merits at the appropriate time.
97. Accordingly, the appeal scheme would conflict with the development plan as a whole. The benefits that have been advanced in favour of the scheme, including economic benefits such as employment opportunities and the New Homes Bonus, the provision of more market homes and the considerable benefit of additional affordable housing, are not sufficient to overcome that conflict. I therefore see no reason to depart from the advice in paragraph 12 of the Framework that where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

### **Overall Conclusion**

98. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

*M J Hetherington*

INSPECTOR

## APPEARANCES

### FOR WEST BERKSHIRE COUNCIL (WBC):

Ms Emmaline Lambert of Counsel

She called:

Mrs Bettina Kirkham DipTP BLD CMLI	Director, Kirkham Landscape Planning
Mr Jason Trewinnard MSc	Jason Trewinnard Arboricultural Consultancy
Mr Giles Sutton BSc MSc CEnv MCIEEM	Director, GS Ecology
Mr Charlie Cooper BEng MSc	Flood risk consultant acting for WBC
Mr Niko Grigoropoulos BSc(Hons) MA MRTPI	Planning consultant acting for WBC
Mrs Sharon Armour	Solicitor, WBC (planning obligations session only)

### FOR THE APPELLANT:

Mr Charles Banner of Counsel

He called:

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Mr Jim Phillips BSc(Hons) MA MCIEEM	Managing Director, Ethos Environmental Planning Ltd
Mr David Cashman DipArb(RFS) CUEW FArborA MICFor RArborA	Associate Director, Barrell Tree Consultancy
Mr Andrew Cook BA(Hons) MLD CMLI MIEMA CEnv	Executive Director, Pegasus Group
Mr Bhavash Vashi BA(Hons) MA MRTPI	Senior Associate Director (Planning), Strutt & Parker
Mr Matthew Mainstone LLB	Partner, Wedlake Bell LLP (planning obligations session only)

### INTERESTED PERSONS:

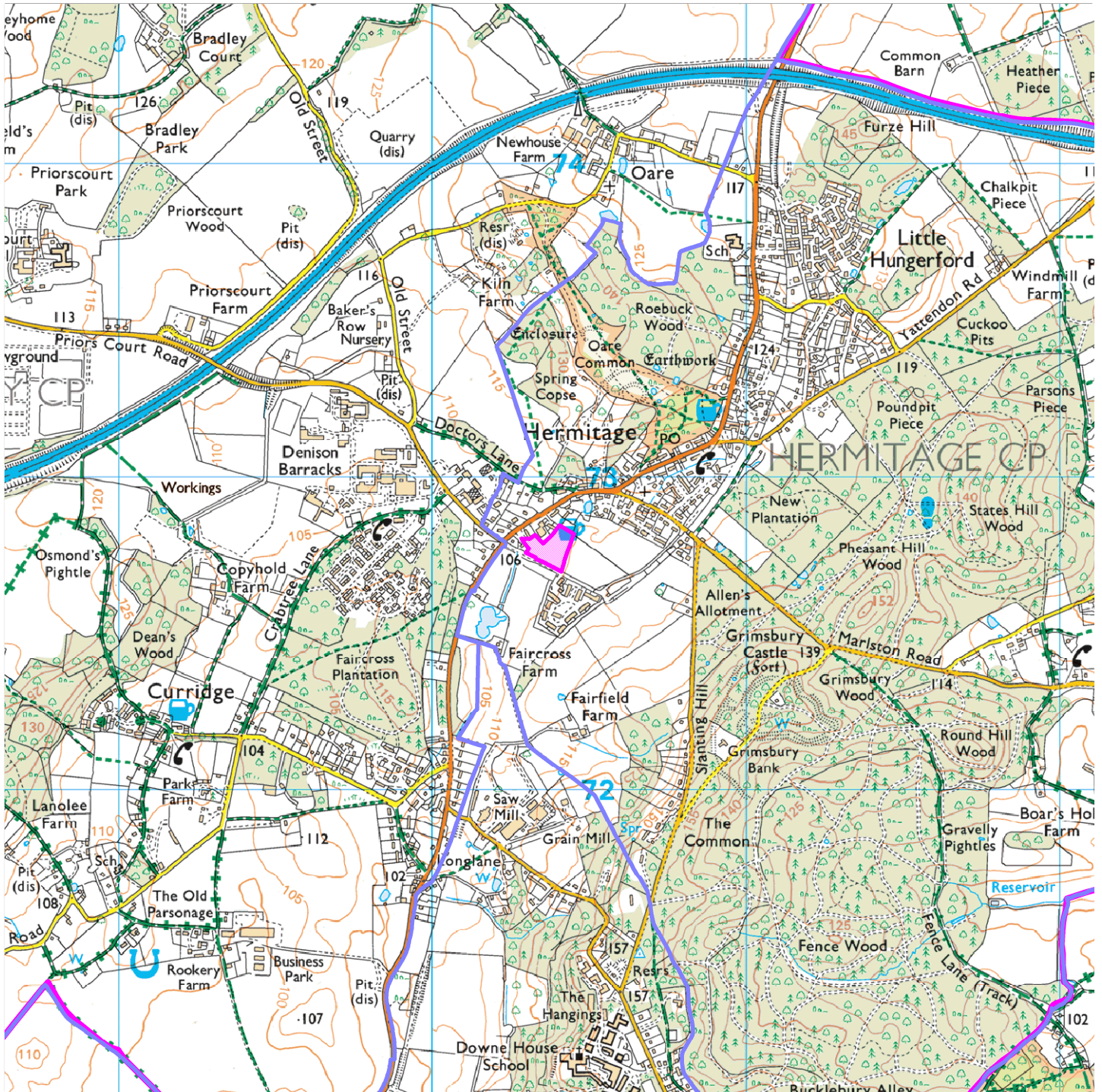
Ms Ruth Cottingham	Hermitage Parish Council
Ms Sue Russell	Hermitage Parish Council
Mr Rob Crispin	Chieveley Parish Council
Ms Eliza Dockrill	Local resident
Mr Gareth Tucker	Local resident
Mr Geoff Bright	Local resident
Mr David Brown	Local resident
Mr Nick Burraston OBE CEng FIMechE CFIOSH	Local resident
Cllr Quentin Webb	Ward Councillor

## DOCUMENTS TABLED AT INQUIRY

- Document 1: Mr Cooper's introductory statement.  
Document 2: Draft unilateral undertaking.  
Document 3: Drainage Strategy drawing no. 8161032-SK01 P5A.  
Document 4: Surface Water Drainage Strategy drawing no. 8161032-SK01 P9.  
Document 5: Initial draft list of agreed conditions.  
Document 6: Tree report – trial pits (report no. 410, revision 1).  
Document 7: Buying a house with a tree in the garden (WBC publication).  
Document 8: Bundle of photomontages.  
Document 9: Email exchange between Mr Bowden and Thames Water.  
Document 10: Maps and aerial photographs of appeal and receptor site.  
Document 11: Appellant's opening statement.  
Document 12: Opening submissions on behalf of the Council.  
Document 13: Tree protection plan drawing no. 18184-BT2.  
Document 14: Extract from BS 5387:2012.  
Document 15: Germano J M & Bishop P J (2008) Suitability of Amphibians and Reptiles for Translocation – *Conservation Biology* 23(1): 7-15  
Document 16: Reptiles: surveys and mitigation for development projects (standing advice).  
Document 17: Great Crested Newts: surveys and mitigation for development projects (standing advice).  
Document 18: Analytical and methodological development for improved surveillance of the Great Crested Newt: Final Report (Defra Project WC1067).  
Document 19: Responses to consultation exercise on the 36 unit scheme.  
Document 20: Comparison of site density calculations.  
Document 21: Drainage note agreed by the Council and the appellant.  
Document 22: Copy of Register of Title in respect of receptor site.  
Document 23: Further statement by Hermitage Parish Council (as amended).  
Document 24: Landscape Character Assessment Topic Paper 6 (SNH/CA).  
Document 25: Amended list of agreed planning conditions.  
Document 26: CIL Regulations Compliance Statement prepared by the Council.  
Document 27: Extract from Newbury District-wide Landscape Assessment.  
Document 28: Extract from GLVIA guidance (p113).  
Document 29: Further draft of unilateral undertaking.  
Document 30: Further updated draft of unilateral undertaking.  
Document 31: Further extracts from Core Strategy.  
Document 32: Decision notice for Old Farmhouse development (ref. 17/03290/OUTMAJ) dated 20 November 2018.  
Document 33: Closing submissions on behalf of the Council.  
Document 34: Appellant's closing submissions.  
Document 35: Final agreed list of conditions.  
Document 36: Signed unilateral undertaking dated 21 November 2018.

## DOCUMENTS SUBMITTED AFTER THE INQUIRY

- Document 37: Appellant's costs application.  
Document 38: Costs response on behalf of the Council.  
Document 39: Appellant's final comments on costs.



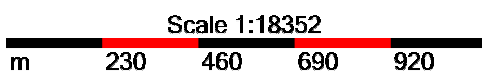
Map Centre Coordinates :

Scale : 1:18351

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	
<b>Date</b>	19 April 2021
<b>SLA Number</b>	0100024151



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# Land at End of Charlotte Close Hermitage Thatcham

Photographs for Western Area Planning Committee

Application 20/00912/FULEXT



View of Charlotte Close access to the site from the Newbury Road, B4009. View from west to east.





Gated access to the site off Charlotte Close, new Co-op development to the left of photo. View towards the east.



View from west to east - Gated access to the site off Charlotte Close



No 1 Charlotte Close – fronting the proposed access to the site. An example of local vernacular design



No 2 Charlotte Close – which abuts the site to the west. An example of local vernacular design



An example of local vernacular design along the Newbury Road, B4009



View of application site from the Charlotte Close access, showing the co-op development under construction



View of the site from the access. View looking east.



View of No. 4 Charlotte Close from within the site





View looking towards the eastern boundary of the site from Station Road.



View looking towards the site from Station Road. Image shows the proposed pedestrian crossing point.



View looking towards the site from Station Road. Image shows the proposed pedestrian crossing point.



View of the application site from Station Road. View looking east



View of the application site. View looking east



View of the application site. View looking east



View of the application site's southern boundary along Station Road. View shows group TPO along the boundary.



View of the application site. View looking north towards new co-op development under construction.





View of the application site. View looking west towards new co-op development under construction and No 2 Charlotte



View of the application site. View looking west towards new co-op development under construction and No 2 Charlotte



View of the application site. View looking east.



View of the application site. View looking north.



View of new co-op development under construction along Newbury Road, B4009



View of new co-op development under construction along Newbury Road, B4009

## Planning Appeal Decisions

**Committee:** Eastern Area Planning Committee on 21<sup>st</sup> April 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	Costs
20/00933/HOUSE Appeal: 3257638 Written reps	<b>68 Horseshoe Road, Pangbourne</b> First floor rear extension and rear dormer window (s73 to alter fenestration and enlarge dormer)	Delegated refusal	Allowed 19/01/2021	N/A
20/01631/PACOU Appeal: 3260788 Written Reps	<b>Elmwood Building, Southend Road, Bradfield Southend</b> Prior Notification requirement under Part O of the GDPO for the change of use of offices (Class B1a) to form 3 apartments	Delegated refusal	Dismissed 19/01/2021	N/A
20/00661/COND2 Appeal: 3261063 Written Reps	<b>Land to the rear of The Rising Sun, Bath Road, Woolhampton</b> Refusal of details reserved by condition 4 (boundary treatment) of planning permission 18/02501/FULD, which granted permission for 4 dwellings.	Delegated refusal	Dismissed 11/01/2021	N/A
20/00835/FULD Appeal: 3259156 Written Reps	<b>The Old Golf House, Rectory Road, Streatley</b> Subdivision of The Old Golf House an annex into two separate residential dwellings.	Delegated refusal	Allowed 27/01/2021	N/A
20/00144/FULD Appeal: 3251044 Written Reps	<b>200 Lower Way, Thatcham</b> Retrospective use of existing building on site as a two bedroom dwelling.	Delegated refusal	Dismissed 29/01/2021	N/A
20/00169/FULD Appeal: 3250812 Written Reps	<b>Oakdene, Andover Drove, Wash Common, Newbury</b> Two storey pitched roof dwelling in the garden of Oakdene. Demolition of existing garage and extension of existing driveway at Oakdene.	Delegated refusal	Dismissed 29/01/2021	N/A

19/01855/FULEXT Appeal: 3251653 Writte Reps	<b>12-16 Chapel Street, Thatcham</b> Demolition of existing dwellings (3no.) and construction of 17 no. one and two bedroom apartments, including parking and stores	Delegated refusal	Dismissed 04/02/2021	N/A
20/00737/COMIND Appeal: 3259595 Written Reps	<b>Shalford Farm, Shalford Hill, Aldermaston</b> Conversion and redevelopment of existing land and buildings to create a mixed use development comprising restaurant, estate farm shop, overnight accommodation, bakery, fermentary, cookery school and event space (local food production and ancillary education facility) and a biomass boiler together with associated works including the demolition of the existing garages and workshop building.	Recommended for refusal  EAPC refusal	Dismissed 08/02/2021	N/A
19/03188/FULD Appeal: 3260721 Written Reps	<b>Foxhold Kennels, Crookham Common</b> Residential conversion to form a pair of semi-detached dwellings and detached annex, following demolition of managers office and attached store.	Delegated refusal	Allowed 08/02/2021	N/A
19/02880/OUTD Appeal: 3247966 Written Reps	<b>Varchfold, Bethesda Street, Upper Basildon</b> Outline application for the demolition of existing dwelling and erection of 3 new contemporary dwellings. Matters to be considered: Access, Layout, Appearance and Scale.	Delegated refusal	Dismissed 15/02/2021	N/A
19/02676/HOUSE Appeal: 3247180 Written Reps	<b>37A Russell Road, Newbury</b> Section 73 application relating to conditions 2 (approved plans) and 3 (materials) of 18/00541/HOUSE to demolish single-storey garage and rear conservatory. Proposed two-storey side and rear extensions and loft conversion, to create large family home. Widen existing dropped kerb access to provide four off road parking spaces.	Recommended for approval  WAPC refusal	Dismissed 18/02/2021	N/A
20/01263/HOUSE Appeal: 3263163 Written Reps	<b>1087 Oxford Road, Tilehurst</b> Demolition of existing car port, second storey side and single storey front extensions and garage conversion.	Delegated refusal	Allowed 23/02/2021	N/A



20/00014/FULD Appeal: 3256178 Written Reps	<b>11 Pond Close, Newbury</b> Removal of derelict garages and erection of 2 no dwellings and 4 no flats, together with associated landscaping and parking	Delegated refusal	Dismissed 23/02/2021	Application against the Council refused
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### Housing in the countryside – limited infill development (Policy C1)

2. The dismissed appeal at **200 Lower Way** considered the criteria of Policy C1 for limited infill in settlements in the countryside. The appeal site is adjacent to, but outside of the settlement boundary of Thatcham, and therefore within the open countryside. This is another appeal where the Inspector agreed with the Council's position that all criteria must be met: *“My interpretation of the wording of this policy is such that the insertion of the word “and” after each criterion does, in my view, require that the proposal would need to comply with all these criteria.”* The Inspector agreed with the Council that whilst there are a number of dwellings nearby, these do not form a coherent “closely knit cluster of 10 or more dwellings.” The Inspector acknowledges that development on the south side of Lower Way differs substantially from that on the opposite side of Lower Way, where there is more intensive residential development forming the settlement boundary of Thatcham. Consequently, the proposal fails to meet with criteria i) of this policy.



3. The Inspector also agreed that the proposal failed to meet criteria ii) and iii), as the appeal site is located behind an existing dwelling on Lower Way, so does not form part of an existing frontage, and is not undeveloped due to the presence of a building which does not benefit from planning permission. The Inspector concluded that the proposal is not an appropriate location for new housing development in accordance with the development plan. The Inspector also found the proposals would harm the character and appearance of the area as it would introduce a dwelling which is neither of a scale nor a design commensurate with the adjacent dwellings.

### Housing in the countryside – residential conversions (Policy C4)

4. At **Foxhold Kennels** a main issue was whether the conversion of buildings to residential use was acceptable in its countryside location, having regard to Policy C4 (residential conversions). The Council considered the scheme conflicted with a number of the policy's criteria. The Inspector disagreed with the Council, concluding that the proposal complied with Policy C4 for the following reasons:

- a) The Inspector disagreed with the Council as he considered that the necessary strengthening of roof structures, the replacement of roof coverings, and the enclosure of the covered yard were a reasonable part of the conversion and did not amount to “substantial rebuilding, extension or alteration”, thus concluding the proposals complied with the first criteria.
  - b) The conversion would replace the corrugated sheeting on the buildings with flat roofs with sedum green roofs. The Inspector considered this preferable both from a visual and ecological viewpoint to replacing them with similar corrugated sheeting. He commented that the existing sheeting is not an essential part of the character of the buildings or locality, and its replacement with a more environmentally friendly roof covering is an improvement to the existing structures.
5. For similar reasons the Inspector concluded that the conversion would not be harmful on the rural character and appearance of the area. Given he found the development acceptable on planning grounds, and with the benefit of a bat survey report that provided adequate mitigation measures, the Inspector concluded that there was no reason in principle why a licence would not be granted by Natural England. The appeal was allowed.
  6. In *The Old Golf House*, the Inspector considered the conversion of a substantial residential annexe to a separate dwelling. The Inspector recognised that the proposal for a separate residential dwelling in this location would not accord with the Council's spatial strategy, but commented that the conflict with Policy C1 would be limited since the annexe building is already in residential use, albeit linked to the Old Golf House. The Inspector recognised the likely high dependency of future occupiers on private motor vehicles, but similarly commented that it would not, in their opinion, be significantly different to the permitted arrangement.
  7. With respect to Policy C4, the Inspector comments that the policy places explicitly the onus on applicants to provide evidence that the building is genuinely redundant. Although redundancy is not clearly defined by Policy C4, the supporting text nevertheless explains that for a building to be considered redundant, it is important that the original use of the building for that purpose no longer exists. The Inspector commented that, although the appellants may not have any use for the Old Golf House presently, it nevertheless has an authorised use and is capable of being used as such. Accordingly, and in the absence of substantive evidence to the contrary, they agreed with the Council that the appeal premises cannot be regarded as redundant or disused for the purposes of Policy C4.
  8. Overall, the Inspector concluded that there would be some conflict with Policies ADPP1, ADPP5 and C1, but ultimately concluded that the appeal site would, in this particular instance, constitute an appropriate location for the appeal scheme, as they found there were sufficient considerations in favour of the proposal which justify taking a decision other than in accordance with the development plan.

### **Economic development within the countryside**

9. The application for mixed use commercial development at *Shalford Farm* was refused by EAPC in line with officer's recommendation. EAPC gave careful consideration to this balanced application which had significant economic benefits and was regarded as an improvement on a previous scheme, but ultimately concluded that the location and scale of the development rendered the application unacceptable.

10. The Inspector acknowledged the site's relative isolation, and the narrow, unlit roads with no footways. He agreed that the lawful use of the site could generate in the region of 150 daily vehicle trips. The Appellant and Council predicted the proposed use would generate around 470 and 482 vehicle trips respectively. The restaurant would account for around 76% of all daily trips. The Inspector considered that, even allowing for 150 daily weekday vehicle trips estimated by the Appellant, a net figure of around 300 net additional vehicle trips for each weekday could be assumed. The Inspector identified shortcomings in the Appellant's framework travel plan, which undermined its value in mitigating the predicted traffic increase.
11. The Inspector shared the Council's concerns with the significant additional trips by private transport given national policies of restraint and the priorities included in the Council's Local Transport Plan and adopted policies. The Inspector also acknowledged that the Council adopted a Climate Change Strategy which advocates for restraint on the use of private vehicles to reduce carbon emissions. He commented that there is a consistent thread regarding the need for choice of transport modes running through the Council's adopted policies, predicated on reducing reliance on private transport, required to reduce transport related carbon emissions and improving air quality. The settlement strategy included in the Core Strategy 2006-2026 requires a concentration of new development in the main centres in the district. Policy ADDP1 identifies that intensification of uses in areas which lack sufficient supporting infrastructure including public transport should be avoided. The theme was also highlighted in Policies CS9 (economy and employment). Overall, the Inspector concluded that the proposals would result in a significant intensification of the number of vehicle trips to and from the appeal site.
12. With respect to the sequential test for main town centre uses and any need for a retail impact assessment, the Inspector disagreed with the Council that the fact the proposal was a "major application", meant that these should be applied in this particular case, highlighting the need to take a proportionate approach to the development of town centre uses. There was agreement that, if disaggregated, the farm shop and fermentary would not be appropriate for a town centre location, and that a bakery could be located both within and outside town centres. The Inspector agreed with the Council that both the event space, restaurant and classroom are town centre uses which could displace similar uses location in centres and which could occupy vacant units. However, he ultimately concluded that, given their size, their development as part of the appeal scheme would be unlikely to result in a retail impact of sufficient scale to have significant adverse impacts on local consumer choice and trade.
13. Finally, the Inspector agreed with the additional reason for refusal added by EAPC in relation to the failure of the scheme to achieve a BREEAM "Excellent" rating, as required by Policy CS15. The Inspector commented that this is primarily due to the appeal site's location which involves a considerable amount of vehicle trips generated by private transport. Further, that the application of Policy CS15, in these circumstances, serves only to reinforce the Council's arguments advanced under the first main issue in this appeal.
14. In the planning balance, the Inspector acknowledged that the appeal scheme would result in benefits for the rural economy, the development of previously developed land and the re-use of two non-designated heritage assets. However, these matters were not sufficient to outweigh the harm which would result from the carbon emissions derived from the increase in vehicle trips resulting from this proposal.

## Redevelopment within settlement

15. The dismissed appeal at **12-16 Chapel Street** for a redevelopment proposal within Thatcham agreed with the Council's position on a multitude of reasons. The Inspector also agreed with the Council's procedural challenge that amended plans submitted as part of the appeal should not be accepted, but that a new planning application should be made in accordance with the procedural guidance. The proposal amounted to a substantial redevelopment of the site, with a replacement frontage building, and a central building that would consist of three three-storey elements linked at ground floor level, positioned against the western boundary with a residential care home. The number of concerns raised led the Council to conclude that the proposals would be harmful in several respects and overdevelop the site. The Inspector concluded as follows:
- a) The Inspector agreed with the Council that the proposed replacement building along the site frontage would not achieve such a positive contribution to the street scene as the existing terrace of housing, nor would its design complement the character and appearance of the area.
  - b) The Inspector agreed with the Council that the amount of building and hard surfacing within the site would make it appear overdeveloped and out of character with its surroundings. Unlike other surrounding development in depth, the proposals would not be subservient in height, and would have very little soft landscaping. The building dominated space would fail to respect the character or appearance of the area.
  - c) The Appellant considered that the scheme is unable to provide any element of affordable housing contribution on viability grounds. Viability appraisals carried out on behalf of the Appellant and Council agreed that viability is a limiting factor but disagreed on the degree to which it would prevent any element of affordable housing being provided. The Inspector was more persuaded by the Council's evidence on benchmark land values, but by the Appellant's evidence on gross development value. However, overall, the Inspector agreed with the Council that there is a small, positive viability surplus that could make a contribution to affordable housing.
  - d) The Inspector agreed with the Council that as a result of the proximity and height of the central building, and the position of windows in the rear building, the development would harm the living conditions of occupants of the care home by reason of appearing overbearing, and causing a loss of outlook and privacy.
  - e) The Inspector agreed with the Council that as a result of poor outlook and light to some of the flats, and the lack of outdoor amenity space, the development would harm the living conditions of future occupants.
  - f) While the scheme would provide adequate parking, the Inspector agreed with the Council that due to the inadequate width of the proposed access the development would have an adverse effect on highway safety.
  - g) The Lead Local Flood Authority raised concern at the lack of information to demonstrate that surface water flooding would not be a problem and that surface water drainage could be adequately achieved on the site. A flood risk assessment submitted with the appeal concluded that surface water flood risk is low, but the LLFA remained concerned. However, the Inspector was satisfied that the development would not be at an unacceptable risk of flooding, nor would it be likely to cause surface water flooding to neighbouring land, subject to conditions.

16. In a rural village setting, **Varchfold** was a proposal to demolish an existing backland dwelling within Upper Basildon, and erect three new contemporary dwellings. The Inspector commented that the appeal site is located in a verdant residential area within the AONB, at the end of a private drive off Bethesda Street. They recognised that the properties along Bethesda Street and Henwood Copse are generally detached dwellings of varying but traditional styles with a common materials palette which includes red brick, red wall tiles, brown roof tiles and pitched roofs. Whilst the design of local properties is varied, overly modern features such as flat roofs and extensive levels of glazing are not prominent. To this end, the Inspector concluded that the use of these features in the proposed development would appear stark and obvious, jarring awkwardly with the traditional feel of built form in the area.
17. Whilst the appeal site is relatively well screened, the Inspector commented that the proposed development would be visible from a number of areas due to the local topography. The Inspector also commented that the appeal site was transitional in terms of where built form gives way to the open and undeveloped countryside. Consequently, they agreed with the Council that it was quite sensitive to change, and that a substantial departure from the existing architectural style would not therefore sit comfortably. This is a good example of how proposals should seek to reinforce local distinctiveness.

### **Affordable housing on minor developments**

18. The main issue in **11 Pond Close** was whether it is necessary for a minor residential development to provide affordable housing in line with Core Strategy Policy CS6, which was disputed by the appellant because paragraph 63 of the NPPF states the "*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*". The Council has maintained a position since the introduction of this national policy that the development plan policy should take precedent owing to the high local need for affordable housing (that is being addressed by Policy CS6) and local affordability ratios that are higher than the national average. This position has been consistently supported by Inspectors at appeal.
19. The Inspector agreed that the evidence put forward by the Council demonstrates that there is a significant unmet need for affordable housing in West Berkshire, and, that the importance of small sites, which includes non-major development, such as the appeal proposal, in contributing to the provision of such affordable housing through on-site delivery, is part of the Council's plan-led strategy to meet unmet demand. As such, he considered that the exceptional local need for affordable housing outweighs national policy set out in the Framework. This is the third appeal decision where this issue has been directly challenged and Inspector's agreed with the Council's position.
20. In the associated costs decision, the Inspector agreed with the Council's assessment and found that, despite the inconsistency with the NPPF, the circumstances in the case warranted determining the appeal based on the affordable housing approach set out in the development plan. Therefore, he concluded the Council had acted reasonably.

### **Appropriate landscaping**

21. The dismissed appeal at **The Rising Sun** supported the Council's position on the importance of appropriate landscaping at a residential development along the A4. The proposals sought tall fencing along the frontage of the site. The Council had approved alternative details with a 1 metre high fence to the site frontage, but the Inspector agreed with the Council that this would result in a relatively low boundary treatment in the prominent frontage locations along Bath Road and railside, and would thus satisfactorily

assimilate with the area. The Inspector agreed with the Council that an additional 800mm in height to this fencing in the most visually prominent parts of the site would be out of keeping with the character and appearance of the area.

22. The appellant proposed the planting of a Laurel hedge on the outside edge of the proposed fence; the Inspector afforded this some weight, but commented that landscaping cannot be considered a permanent feature and should not therefore be used to justify development that would be otherwise unacceptable. The Inspector was not swayed by examples of close boarded fencing some distance from the site, and found little evidence to support assertions that the proposals would improve security and safety at the site.

### **Intensification of access use and highway safety**

23. The **Varchfold** appeal decision was also dismissed on highway safety grounds. The appeal site is served by a private drive (Henwood Copse) which links the site to Bethesda Street and serves the existing dwelling and 3 neighbouring dwellings. The crux of the dispute was the visibility at the proposed access (the point where Henwood Copse meets Bethesda Street). The Council required visibility splays of 31.5m to the south and 32.2m to the north with a 2.4m set back. The appellants' indicate that achievable visibility splays are just over 18m to the south and just under 17m to the north, with a 2m set back. Bethesda Street has a 30mph speed limit. There are no segregated footways. Survey data indicates average speeds below 30mph and notes that the lack of footways would also limit pedestrian activity. However, during their visit the Inspector observed a number of cars bypassing the junction which indicates it is well used.
24. The Inspector concluded that visibility from the proposed access (Henwood Copse) was substandard in both directions when assessed against the Council's requirements. They commented that in the southerly direction, road conditions are such that the achievable splays, with a two metre set back, should not give rise to a significant problem. In the case of the northerly direction however, views for exiting vehicles would be restricted by a hedgeline bordering the property known as High Trees which would exacerbate the effect of the already limited visibility available. The Inspector noted evidence regarding a lack of accidents at the junction, but this did not alter their ultimate conclusion that the intensification of use of this junction without acceptable visibility would cause harm to highway safety.

### **Insufficient ecology information**

25. The Inspector in the **Varchfold** appeal decision also agreed with the Council that bat surveys were required. They noted that the site fell on the boundary of a Biodiversity Opportunity Area, and was bordered by significant tree cover. They agreed with the Council that with this woodland setting and lack of streetlighting, the presence of bats could not be discounted. They also observed that the existing dwelling is an older property with gaps in the roof tiles. Overall, they agreed it was not unreasonable to consider the site had potential for protected species. The Inspector referred to Circular 06/2005 which makes clear that where there is a reasonable likelihood of protected species being present on site and in order to understand the extent species may be affected then surveys should be carried out before a planning permission is granted. The appeal was also dismissed on this basis.

### **Qualifying use for prior approval applications**

26. The **Elmwood Building** appeal concerned a prior approval application for the change of use of offices to form 3 apartments. Under Article 3(1) and Schedule 2, Part 3, Class O

of the GPDO, planning permission is granted for change of use subject to limitations and conditions. Paragraph O.1 of the GPDO sets out the situations whereby development would not be permitted including, as referred to by the Council, O.1.b that the building was not used for a use falling within Class B1(a) (Offices) of the Schedule to the Use Class Order on (i) 29 May 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use.

27. In this case, the Council raised no objections in terms of the relevant considerations: transport and highway impacts; contamination risks; flooding risks; and impacts of noise from commercial premises. However, the application was refused because the available evidence indicated that the existing building was not within the qualifying office use class; rather the evidence indicated that the building was most likely within mixed use offices and storage/distribution, which is *Sui Generis*. The Council's position was consistent with a previous appeal at the site, and no new evidence was provided by the applicant to indicate otherwise. The Inspector agreed with the Council's full case. The detailed narrative in the decision letter is of assistance for considering similar future applications.

### **Scope of Section 73 applications**

28. The planning permission for revised extension at **37A Russell Road** was refused on amenity grounds. However, the Inspector's decision to dismiss the appeal was due to their view that the scale of amendments went beyond the lawful scope of Section 73.

29. A Section 73 application enables those seeking planning permission the opportunity to amend specific conditions and for new planning permission with the amended conditions to be granted without altering anything else but the condition(s) in question. The section is mainly intended to allow flexibility in the planning system by allowing conditions to a planning permission to be changed without risking the entirety of the consented scheme. The Government encourages the use of this process to consider "minor material amendments" to previously permitted development.

30. Recent case law in *Finney v Welsh Ministers & Others [2019] EWCA Civ 1868* has clarified the scope of the powers contained within Section 73. In particular, it clarifies that fundamental alterations to the original proposal, including varying the description of the development, remains outside the remit of Section 73. Such fundamental changes therefore require a full new planning application.

31. In this case, whilst the Inspector was satisfied that the description of development remained sufficiently accurate, they did conclude that new conditions sought would fundamentally alter the original proposal for which permitted had been granted. They referred to the various design changes, which taken together were considered to substantially change the proposal from the scheme that has been approved. This conclusion was reached despite a reduced scale from the original proposals.

32. Given their findings that the proposal was outside the scope of Section 73, the Inspector did not entertain or pass comment on the planning merits of the proposal. This decision will provide a useful guide for considering future cases.

### **Other decisions**

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

- a) **68 Horseshoe Road** – The Inspector disagreed with the Council that an enlarged dormer would dominate the roof and harm the character of the area based site specific considerations.
- b) **Oakdene** – In dismissing the appeal, the Inspector agreed with the Council that a new backland house would undermine the clear character and identity of the existing large spacious plots. However, they disagreed with the Council concerns regarding loss of sunlight and privacy to a neighbouring property owing to the separation distance involved and the use of obscure glazing.
- c) **1087 Oxford Road** – The appeal was dismissed as the Inspector disagreed with the Council that the proposal would harm neighbouring living conditions having regard to the site-specific relationships involved.