

Notice of Meeting



Scan here to access the public documents for this meeting

Eastern Area Planning Committee Wednesday 25th August 2021 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

The Council will be live streaming its meetings.

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

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

If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team (planningcommittee@westberks.gov.uk) by no later than 4.00pm on Tuesday 24 August 2021 if they wish to attend the Planning Committee.

Please note that due to the current Coronavirus restrictions there is a limit on the number of people who can enter the Council Chamber. Remote attendance at the meeting is therefore encouraged at this time.

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.

Date of despatch of Agenda: Tuesday 17 August 2021

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



Agenda - Eastern Area Planning Committee to be held on Wednesday, 25 August 2021
(continued)

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Stephen Chard / Jessica Bailiss on (01635) 519462/503124 Email: stephen.chard@westberks.gov.uk / jessica.bailiss@westberks.gov.uk

Agenda - Eastern Area Planning Committee to be held on Wednesday, 25 August 2021
(continued)

- To:** Councillors Alan Law, Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask (Chairman), Richard Somner and Keith Woodhams
- Substitutes:** Councillors Peter Argyle, Graham Bridgman, Jeremy Cottam, Nassar Hunt, Owen Jeffery and Joanne Stewart
-

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting.
2. **Minutes** 5 - 34
To approve as a correct record the Minutes of the meeting of this Committee held on 4th August 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.)
 - (1) **Application No. & Parish: 21/01645/FULD - Redwood Burnt Hill Yattendon Thatcham West Berkshire** 35 - 52

Proposal: Demolition of existing house, garage and outbuildings, erection of one new house and detached open carport. Section 73 application to vary condition 2 (approved plans) of approved planning permission 20/02001/FULD.

Location: Redwood Burnt Hill Yattendon Thatcham West Berkshire RG18 0XD

Applicant: Mr Justin Knott

Recommendation: Grant planning permission subject to conditions.



Agenda - Eastern Area Planning Committee to be held on Wednesday, 25 August 2021
(continued)

Items for Information

5. Appeal Decisions relating to the district

53 - 58

Purpose: To inform Members of the results of recent appeal decisions for the district.

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
Stephen Chard on telephone (01635) 519462.



DRAFT

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

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 4 AUGUST 2021

Councillors Present: Graham Bridgman (Substitute) (In place of Ross Mackinnon), Tony Linden, Royce Longton, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask (Chairman), Richard Somner and Keith Woodhams

Also Present: Jessica Bailiss (Policy Officer (Executive Support)), Stephen Chard (Policy Officer), Gareth Dowding (Principal Engineer (Traffic)), Kim Maher (Solicitor), Emma Nutchey (Principal Planning Officer) and Simon Till (Planning Officer)

Apologies for inability to attend the meeting: Councillor Alan Law and Councillor Ross Mackinnon

PART I

6. Minutes

The Minutes of the meeting held on 2nd June 2021 were approved as a true and correct record and signed by the Chairman subject to the following amendment: page 27, final paragraph to be amended to Councillor Pask.

7. Declarations of Interest

There were no declarations of interest received.

8. Schedule of Planning Applications

(1) Application No. & Parish: 20/02527/OUTMAJ - Blacks Lake, Paices Hill, Aldermaston

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/02527/OUTMAJ in respect of an Outline Planning Application for the construction of an industrial estate to comprise up to 15,917 sqm of flexible commercial floor space for B8 (Storage or distribution), Former B1 (c) now Class E (Commercial, Business and Service Use) and B2 (General Industry) with associated access, parking, infrastructure and landscaping. Matters to be considered: Access.

Ms Emma Nutchey (Principal Planning Officer) introduced the item and highlighted the key points within the report. There was one amended condition (condition 23) included in the update sheet. The purpose and nature of the condition remained the same however, there was an error in the numbering. The application was recommended for approval subject to conditions and the completion of a S106 legal agreement by the 6th September 2021 (or such longer period as maybe authorised by the Head of Development and Planning).

In accordance with the Council's Constitution, Ms Sophie Crawford and Mr David Shirt, Parish Council representatives, Mr George Porter, Adjacent Parish Council Representative, Mr John Collins (DHA Planning) and Mr Lee Chapman (Lesimar Ltd) agent/applicant and Councillor Dominic Boeck (Ward Member) addressed the Committee on this application.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

Parish Council Representation:

Ms Crawford and Mr Shirt in addressing the Committee raised the following points:

- Aldermaston Parish Council objected to the application. The case Officer was recommending approval however, it was felt that the decision was based on erroneous assumptions and the full impact on residents was being underplayed.
- The Parish Council's concerns related to four areas. The first area of concern was the increase in traffic that would be caused, which would expose local residents to more vibration, noise, congestion and pollution.
- The proposal would generate almost 1000 vehicles movements over the working day and half of these would pass through Aldermaston village. A proportion of the vehicles would be HGVs.
- A recent survey showed that the A340 already had nearly 10,000 vehicles passing daily and 15 percent of these were HGVs. Any traffic increase would be significant on the road. Despite the A340 being designated as part of the freight route network it was not purpose built infrastructure and in part was made up of narrow historic roads, like the street that ran through the centre of Aldermaston's conservation area. In this area the road ran close to listed buildings, which did not have foundations. Further to the north the road crossed a single lane lifting bridge.
- The case Officer has stated that Paices Hill was a suitability located employment site, similar to Beenham industrial area and Theale Lakes Business Park. The Parish Council felt that it was quite markedly different as Beenham and Theale Lakes could access the M4 without passing directly through villages or towns.
- The Parish Council was concerned about the effect of numerous but small increases in traffic in the area.
- The second main area of concern was regarding safety in the detailed emergency planning zone. Blacks Lake was within 100 metres of AWE and any increase in population density would impair the off-site emergency plan. West Berkshire Emergency Planners knew the number of residents in the Detailed Emergency Planning Zone (DEPZ), however had stated that they did not know the current worker numbers, which had undermined the Parish Council's confidence that a significant number of extra workers could be safely accommodated.
- In the Emergency Planner's response to the 2019 Aldermaston court application, it had been stated that both workers and residents were relevant in the total number of people in the DEPZ. For the current application worker numbers had been borrowed from the ONR for analysis and concluded that the plan was unsafe because it resulted in more people within 600 metres of the AWE boundary where there was the potential for early evacuation. The situation was similar at Black's Lake where it had been stated that due to the location, shelter might not be an option and an immediate evacuation might be required. There was also the risk that an evacuation could result in an uncontrolled impact on the main road network, which would need to be used by emergency responders.
- It was important to note that emergency planning measures on existing industrial sites were far removed from the plan presented for Black's Lake. Existing management companies had informed the Parish Council that they did not know how many workers were on their sites and they did not have overarching emergency plans or controls.
- Ms Crawford referred back to her comment regarding working numbers from the ONR, which had since been verified. The figure provided by the ONR for the total working population of the DEPZ was over 33,000, of which 18,000 were in the northern half, which formed part of the Aldermaston Parish.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

- The third reason for the Parish Council's objection to the proposal was that they disagreed that a boost to local employment would be positive and it was not felt that more jobs would translate in to improved prospects because there were already 18,000 jobs in the area. There was a resident population of just 900 adults. A third of the area's total number of dwellings were located in caravan parks and therefore a significant number of adult residents were elderly. Thousands of workers were drawn to the Aldermaston parish every day and any new sites would aggravate current traffic and safety issues.
- In the last year there had been expansion approvals at Young's and Stacey's and the Parish Council was aware of similar plans at Easter Park and Rosebourne. Therefore in the Parish Council's view the area was already facing a worsening picture.
- The Parish Council's final objection related to the environment. It was not felt that Black's Lake was a sustainable location. It was served by a single and infrequent bus service and the nearest train station was three miles away. The route from the station to Black's Lake was along the A340 and was unsafe for pedestrians and cyclists. It was not felt therefore that employees would use public transport to access the site.
- It was noted that West Berkshire Council stated that the site was in the open countryside and policy ADPP6 stated that the character of all settlements in the East Kennet Valley would be conserved and enhanced by ensuring that any development responded positively to the local context. The Parish Council did not feel that the proposal would adhere to this policy.
- It was understood that the site was a contaminated brownfield site and needed to be repurposed however, it was felt that a more appropriate use of the land could be found that was more sensitive.
- The Parish Council strongly objected to the application due to traffic generation; concerns about evacuation following an incident at AWE; there being no need for additional employment and finally because it was felt that the site was not sustainable. For these reasons the Parish Council requested that the Committee refuse the application.

Member Questions to the Parish Council:

Councillor Graham Bridgman noted that Ms Crawford had referred to the DEPZ and the proximately of AWE. The Planning Officer had stated during her introduction to the item that there had not been any opposition to the proposal by West Berkshire Council's Emergency Planning Team. Councillor Bridgman therefore queried why the Parish Council felt there was an issue if no concerns had been identified by the Emergency Planning Team. Ms Crawford stated that there seemed to be a lot of inconsistencies. During her representation Ms Crawford had referred to extracts from the Emergency Planning Team's response to the Manor House and alarming statements had been made regarding a site so close to the perimeter wire. Ms Crawford stated that measures being put forward to make Black Lake's safe did not currently exist for other industrial estates in the area. There was currently no knowledge, including by Emergency Planners, regarding how many workers were on site and this was why Ms Crawford had referred to numbers the Parish Council had obtained from the ONR. There seemed to be a lot of unknowns despite strong statements regarding the risk of having people so close to the perimeter wire for AWE.

Councillor Bridgman stated that the Council's Emergency Planners were responsible for preparing the off-site emergency plan and not necessarily the business on the site. Regarding traffic, Councillor Bridgman noted that Ms Crawford had referred to a

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

substantial number of employees coming in to the area in contrast to the number of local residents. If there was already a large number of employees and employment causing traffic, Councillor Bridgman queried why the figures predicted as part of the proposal were considered a significant increase. Ms Crawford stated that the point was that any increase was significant, given that so much of the traffic was channelled through a conservation area and residents were already suffering as a result. The road was not purpose built for the commercial traffic that was using it. It was a historic road and many of the properties either side were over 500 years old and did not have foundations. Heavy goods vehicles caused the houses, which were vulnerable to vibrate. Ms Crawford stated that there was so much traffic already, it was easy in percentage terms to look at individual sites and not consider an increase to be significant but the impact on local residents was substantial.

Adjacent Parish Council Representation:

Mr Porter in addressing the Committee raised the following points:

- Baughurst Parish Council had nothing to add to its previous submission, which was essentially about traffic concerns on the A340.
- Baughurst Parish Council supported the comments raised by Aldermaston Parish Council.

Member Questions to the Adjacent Parish Council:

There were no questions raised by Members.

Agent/Applicant Representations:

Mr Collins (Agent) and Mr Chapman (Applicant) in addressing the Committee raised the following points:

- Regarding the amended condition referred to the case Officer, it was felt that this was entirely sensible and the applicant had agreed with it in terms of ecology.
- It had been felt that the original application was carefully prepared. However, following a long dialogue with Officers and detailed consideration of the consultation responses during the process for the current proposal, the applicant and agent were acutely aware of how much this had added to the application.
- The proposal before the Committee was very much an outcome of the consultation process, which had been a policy led process. The application met current policy requirements and also supported West Berkshire Council's emerging policies for further employment land.
- Alongside the normal technical issues, the team had carefully considered the Council's own documents, reports and evidence in respect of what was required to help maintain a healthy economy. The emerging Local Plan had recognised the brownfield contaminated nature of the site.
- It was noted that West Berkshire Council's Economic Development Officer's response had detailed that according to the Council's Core Strategy and Policy CS9 it needed to ensure that the current and future demand for industrial floor space was met across the district. It had been stated by the Economic Development Officer that the proposal would make a significant contribution to ensuring demand was met for facilitating the economic growth of the district and it was a priority that modern units of this kind were offered.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

- In developing the proposal, Mr Collins stated that they had been mindful of the number of issues relating to underlying contamination from AWE and the sensitivity of the adjacent country park. In preparing the proposal they had also been mindful of AWE in respect of emergency planning.
- The proposal was an outline application and Officer's had required a level of detail that set parameters to ensure the relevant requirements were considered and addressed. As a consequence the level of impact that would be caused by the proposal in respect of landscaping, ecology, trees, contamination, highway capacity and protection of the environment had been carefully considered.
- There had been a need to address the matter of contamination and this process had involved a lot of detail and time from those involved. The scheme had demonstrated how proper site management and provision for both evacuation and lockdown planning could be prepared and was why AWE and the Council's Emergency Planning Team were satisfied, subject to conditions.
- Regarding highway capacity, there had been three rounds of consultation with the Highways Department and safe access to the site had been demonstrated. The A340 was one of a limited number of identified key routes and was part of the freight network. The Council had additionally organised for an independent audit of all the highways work submitted as part of the proposal and WSP who had carried out the audit work had raised no objections.
- The application had been subjected to a very careful and detailed process and there was a considerable level of detail given it was an outline application. The parameters of the proposal were carefully controlled by conditions proposed as part of the Officer's recommendation. It was requested that the Committee support the application

Member Questions to the Agent/Applicant:

Councillor Keith Woodhams queried if the site had already been marketed and if there was an identified need for the new premises, or if it was purely speculation. Mr Collins confirmed that the site had already been marketed and there was a good level of interest. Mr Chapman reported that they had engaged with more than one agent at both a local and national level to work out what would be right for the area as well as what was required from a commercial perspective.

Councillor Tony Linden referred to page 42 of the report where there was a recommendation from Royal Berkshire Fire and Rescue (RBFS) that the applicant took appropriate measures to reduce the likelihood of arson. Councillor Linden queried if this recommendation would be followed up. Mr Collins stated that the site would need to be managed and the recommendation from RBFS would form part of this management going forward.

Councillor Bridgman stated that the Committee had seen the outline application for the site, which included the red line that went around the whole of the site and the inner line showing the landscaping around the site and proposed buildings. Councillor Bridgman referred to the landscape buffer and noted reference to the landscape in the draft conditions. He queried what protection there was to ensure that the greenery was retained around the site and that the site was properly managed. Mr Collins reported that the area referred to by Councillor Bridgman had been informed by the ecology and arboriculture reports. Future landscape management was covered by conditions and would be heavily managed due to issues relating to emergency planning. Buffers around the site would also be carefully managed.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

Councillor Macro referred to page 42 of the report and the response from Thames Water. It was stated that foul water would not be discharged to the public network and therefore Thames Water had no objection. Councillor Macro therefore queried what would happen to the foul water from the site. Mr Collins responded that the water authorities normally stated there could be no addition to the network due to capacity reasons and to connect developers had to apply. If it was not possible to connect then foul water would have to be dealt with using a contained system on site.

Councillor Geoff Mayes stated that he was concerned about the management of the site and noted that there were no gates from the road access from the A340. He queried if there would be any type of barrier to prevent people from entering the site at non opening hours. Mr Collins responded that because of the response from the Emergency Planning Officers regarding AWE, the expectation was that there would have to be some type of barrier however, the type of barrier had not yet been confirmed and this would be dealt with at the reserved matters stage. Councillor Mayes further commented that the plans showed that the site was completely open and Mr Collins answered that this was because the parameter plans were seeking to demonstrate that an amount of floor space could be provided in the way suggested whilst the ecology matters were controlled. Mr Collins was confident that a security feature or gateway could be incorporated in to a reserved matters submission.

Councillor Linden referred to page 42 of the report regarding the response from Thames Water, which stated that Thames Water had identified an inability of the existing water network infrastructure to accommodate the needs of the development proposal and such a condition was required to prevent issues with low pressure. Councillor Linden asked if there were plans to deal with this appropriately. Mr Collins stated that in order for the site to be successful there would have to be a system that maintained adequate water pressure to the units and Thames Water would be consulted with accordingly regarding this.

Ward Member Representation:

Councillor Dominic Boeck in addressing the Committee raised the following points:

- Since Councillor Boeck had been elected to represent the Aldermaston ward in 2015 he had received many representations from residents and the Parish Council relating to the volume and speed of traffic passing through the community.
- It was clear that AWE was a significant generator of the traffic in the area and much of it used the A340 as it passed through Aldermaston Village and Wharf. Both were largely residential settings.
- Over recent years there had been several planning applications for new development and changes of use that had added to the traffic on the A340. Councillor Boeck stated that he had welcomed many of these applications, for example the application for the Rosebourne Garden Centre. He had made it clear that in general he supported the economic growth that such developments brought however, was becoming increasingly concerned that the incremental increase in traffic that each new development caused was not being adequately catered for.
- Councillor Boeck stated that whilst highways access and modelling were matters for Members of consider, he feared that the impact of ever increasing levels of traffic on the quality of lives of residents in the area were not. This had been echoed by Councillor Crawford during the Parish Council's representation.
- Councillor Boeck stated that he had been approached by a number of residents who lived along the street in Aldermaston village who had genuine and reasonable

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

fears for the structure of their homes. Other residents felt that it was unsafe for them and their families to use the road.

- It was appreciated that Members could only consider the applications before them however, he asked Members to join him in expressing his concern that traffic could not continue to rise along the stretch of the A340 that passed through the Aldermaston ward, without significant improvements.
- Councillor Boeck also asked Members to consider the representations that had been heard particularly the strong representation from the Parish Council. The representations needed to be considered in context of the degradation of a rural community's quality of life.

Member Questions to the Ward Member:

Councillor Bridgman highlighted that the A340 was an A road and ought to be able to carry levels of traffic of a certain nature. Councillor Bridgman therefore queried why an economic development should be stymied due to levels of traffic on what he considered was an artery road. Councillor Boeck agreed that it was a strategic road however it passed through a conservation area, which was established long before AWE. Councillor Boeck felt that the A340 was in the wrong place and the incremental growth in traffic generated by the various developments, was impacting on the quality of life of residents.

Member Questions to Officers:

Councillor Graham Bridgman raised a question for Officers, which flowed from the arguments put forward by the objectors and Ward Member in relation to the nature of the A340 and the number of vehicles the proposal would add to the road network. Councillor Bridgman asked Mr Dowding, Highways Officer, to comment on these points.

Secondly Councillor Bridgman raised a question in relation to the AWE DEPZ. He noted that there was a detailed proposed condition on this (Condition 18), which included an outline emergency plan for the site. Councillor Bridgman also noted in the responses to the consultation that the ONR had said that they would advise against the application unless the West Berkshire Council Emergency Planning Team confirmed in writing that the proposed development could be accommodated within the Council's existing off-site emergency planning arrangements. Councillor Bridgman asked if the Emergency Planning Team had confirmed this in writing and secondly if what was proposed in Condition 18 was effectively an amendment to the Council's own emergency plan in order to accommodate the suggestions and comments from the ONR.

In response to Councillor Bridgman's second question regarding the emergency plan, Ms Nutchey responded that the Emergency Planning Officer at West Berkshire Council was familiar with the comments from the ONR and had confirmed as part of their response that they had no objections to the proposal. Ms Nutchey's view was therefore that the ONR were equally satisfied with the scheme. The Emergency Planning Officer had suggested three conditions regarding the emergency planning for the site (Conditions 17, 18 and 19 in the Committee report) and included an emergency plan for the construction phase, a pre-condition for the site as a whole and finally individual occupiers were required to submit their own plan to show how they would manage the site in conjunction with the wider scheme.

In response to Councillor Bridgman's question concerning the A340, Mr Gareth Dowding, Principal Engineer (Traffic), highlighted that the A340 was an A road that unfortunately went through a conservation area in a similar way that the A4 passed through Hungerford. It was therefore no a unique situation within West Berkshire to have a village with an important freight network running through it. The A340 had in the region of 10,000 vehicles a day travelling along it and the proposal if approved would generate an

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

increase in traffic flow of 5 percent based on the 2017 traffic figures factored up to 2021. All the junctions serving the site had been thoroughly checked and the accident record had also been checked. Mr Dowding noted the comments regarding the cumulative increase in the area but stated that the development would be difficult for the Highway's Authority to object to due to the small increase in traffic the proposal would cause.

Councillor Macro noted in the consultation responses that there was nothing from the Planning Policy Team. In reference to this Councillor Macro noted that the floor area for the application was just under 16,000 square metres. In the Local Plan review the site was potentially allocated for 7,700 square meters and therefore Councillor Macro queried the vast difference between the proposal and the Local Plan review figure.

Councillor Macro raised a further question for Highways and asked if the total number of vehicles estimated included heavy goods vehicles (HGVs) and if so what would the proportion be. Councillor Macro secondly referred to the lifting bridge, which was often the caused congestion on the A340 and asked if this had been taken in to consideration.

In response to Councillor Macro's first question concerning Planning Policy, Ms Nutchey stated that the site set out in the Local Plan review was smaller than the site included within the application, which extended further south and adjoined the access boundary with the access road into Paices Hill. The site in the Local Plan review was smaller and therefore the floor area was proportionately similar. Ms Nutchey highlighted that the site was a brownfield site and the proposal complied with Policy CS9.

In response to Councillor Macro's question concerning heavy good vehicles, Mr Dowding responded that HGVs were included within the overall figures but he was unable to provide the exact proportion. Regarding the lifting bridge, unfortunately this was something the Local Authority had little control over. The canal had the right of passage. There was timings on the bridge to avoid it being used in peak hours and the Canal Trust would need to be approached to see if this could be reviewed.

Councillor Linden referred to the hours of work on page 55 of the report and noted that the start time from Monday to Friday was 7.30am. Councillor Linden felt that this was too early particularly as there was a traveller site close by and queried if this could be reviewed. Ms Nutchey commented that the hours of work (Condition 11) covered the construction phase only. The condition had been informed by Environmental Health and it had not been considered that the timings would have an impact on the local traveller site given the distance involved.

Councillor Linden highlighted the different routes that traffic could use to access the site and queried if this formed part of the traffic modelling in terms of the construction and operational stages. Mr Dowding reported that all of the local junctions had been included in the modelling for the area to assess percentage increases and potential delays at junctions. As previously mentioned in the report the traffic was expected to be split 50/50 in terms travelling away from the site through Aldermaston and away from Aldermaston through Tadley. It was noted that this was why there had similar concerns raised by the adjacent Parish Council.

Councillor Mayes asked if the 50/50 split referred to was supported by the modelling or if it was an arbitrary split. Mr Dowding confirmed that it was based on the best information available from the traffic modelling. As part of the modelling, traffic flow data would have been collected from TRICS, which was a nationwide database that worked out where traffic flowed in regards to developments. Mr Dowding explained that until a development was in place it was not possible to know exactly where traffic would go but with the number of developments that had been built elsewhere around the country in similar locations, it was possible with the TRICS program to identify general traffic patterns when

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

leaving sites of a similar nature. The TRICS Program had provided the modellers with the 50/50 figure, which was used to the model where the traffic would flow.

Councillor Mayes further questioned if what the modelling was suggesting was that 50 percent of the traffic went through Aldermaston Village. Councillor Mayes also referred to an incident in 2019 when there was a major blockage at the Aldermaston junction to Mortimer, which had closed the road and required traffic lights for several months. Mr Dowding confirmed that he was aware of the incident, which was an unfortunate one off incident. He confirmed that modellers were predicting that 50 percent of the traffic would potentially go through Aldermaston Village.

Councillor Keith Woodhams raised a question regarding sustainable travel and the travel plan, which was aimed at reducing reliance on private motor vehicles and queried how this would be achieved. He further queried if there would be safe cycle routes to the site. Mr Dowding responded that there was not a safe cycle route from Aldermaston Village due to the nature of the road. Attempts had been made over the years to provide a safe cycle route however, it had required an expensive design. Mr Dowding confirmed that travel plans were not dealt with by the Highways Team but by the Planning Policy Team and this would need to be developed for the site. There was a bus route in the area and footway links that could be used to get to Tadley where bus services were more frequent.

Debate:

Councillor Bridgman stated that he had driven through Aldermaston and the surrounding area many times and was aware of the traffic issues along the road, in particular HGVs. Councillor Bridgman was also aware of the incident referred to by Councillor Mayes involving a property and a vehicle and had caused considerable difficulty for those wishing to travel through the village. He highlighted that the A340 was an A road. Councillor Bridgman took on board the substantial amount work that had taken place in relation to the AWE DEPZ and off site emergency plan and finally in relation to the landscape buffer and the need to encase the site in greenery. Councillor Bridgman felt that the proposal would contribute to the economy of West Berkshire and accepted the applicant's statement regarding their investigations in to the demand for industrial premises in the area. Councillor Bridgman applauded Officers on the number of conditions proposed for what was an outline application and he also thanked the applicant for engaging in the process. Councillor Bridgman stated that he was minded to support the application.

Councillor Macro was concerned about the application particularly regarding traffic and HGVs. He accepted that it was an A road however, stated it had not been an A road for as long as others in the district. He sympathised with residents in Aldermaston Village who experienced constant traffic noise including from HGVs. The report mentioned that the predicted increase in traffic would cause an increase in queue length at the northbound A4 / A340 roundabout by 10 vehicles, which he felt was a significant increase. Councillor Macro was concerned that the queue of traffic would creep up the winding incline to the blind bend and railway bridge and he was concerned that this would cause a road safety hazard. Councillor Macro was in two minds as to whether to accept the application.

Councillor Linden stated that besides his concern regarding the hours of work, he concurred with Councillor Bridgman. Regarding highways, Councillor Linden felt that the Local Authority would struggle to defend the decision at appeal if the proposal was refused on these grounds. A lot of detailed work had taken place and it was important to realise that employment would not remain static. Councillor Linden felt that it would be an

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

excellent way to use the area and there were plenty of access routes. On balance Councillor Linden stated that it was an application that he could support.

Councillor Royce Longton felt that the application being considered demonstrated the inadequacy of national planning policies with regards to the cumulative impact of successive relatively small developments which were too small to refuse by law but cumulatively were having a damaging impact on local highways, residents and the economy of the area. Councillor Longton felt that it was a difficult application to determine.

Councillor Pask asked for Officer guidance regarding refusing an application on highways grounds when Officers had provided computer modelled guidance on traffic volumes and directions of travel. He queried how well the decision would stand at appeal. Mr Simon Till, Team Leader – Development Control, stated that it was a question of planning balance. It had been heard from the Highways Officer that the Local Authority had the best highways modelling and the best predictions in terms of the highways impact. There was also the National Planning Policy Framework (NPPF) to consider, which guided local planning authorities not to refuse applications on highways grounds unless under particularly exceptional circumstances. The exceptional circumstances in terms of the current application, in Mr Till's view would be difficult to justify when there were a number of recent developments in the area of a similar nature and the incremental increase was relatively small. The policy position in the emerging Local Plan was that the site could potentially be allocated and therefore Mr Till would have serious concerns in terms of a refusal on the basis of highways impact. Mr Dowding added that a well-established consultant had been employed to assess the site on the Local Authority's behalf to ensure all elements had been considered and to provide a professional opinion regarding the modelling. Any issues raised by the consultant were raised with the applicant and addressed.

Councillor Richard Somner acknowledged it was a difficult application and also the concerns raised regarding to traffic. Councillor Somner sympathised with concerns however, stated that he was minded to agree with the points raised by Councillor Bridgman. A considerable amount of work had been undertaken by the many parties involved in the application. Having visited the site and viewed the planning history, Councillor Somner queried what else could realistically happen to the site. It was an area of contaminated waste land, which could be developed sensibly and securely if the proposal was agreed. He added that the environment would be more adversely impacted if something was not done with the piece of land and the proposal demonstrated partnership working. Councillor Somner was mindful of the absence of comments from AWE and felt that this left a gap. Councillor Somner stated that he was mindful to support the application.

Councillor Bridgman proposed that the Officer recommendation to grant planning permission was supported and this was seconded by Councillor Somner. 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. Approval of reserved matters

Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

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

2. Time limit for reserved matters

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

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

3. Commencement of development (outline)

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

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

4. Approved plans/documents

The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

- Location Plan 4157/sk14;
- Development Exclusion Boundary Buffer Plan SK1001;
- Tree Survey and Impact Assessment by Keen Consultants;
- Ecological Assessment by Ecology Solutions ;
- Summary of Ecological Enhancements by Ecology Solutions ;
- Phase 1 Desk Study Lustre Consulting Limited;
- Exploratory Phase 2 Site Investigation by Lustre Consulting Limited March 2020;
- Controlled Waters Risk Assessment by Lustre Consulting Limited March 2020;
- Vapour Detailed Quantitative Risk Assessment (EH Sciences Limited on behalf of Lustre Consulting Limited, March 2020);
- Executive Summary for contamination studies by Lustre Consulting Limited;
- Contamination report Addendum, supporting letter from Lustre Consulting dated 22/07/2020;
- Attenuation Tanks Controlled Waters Assessment by YES Environment;
- Flood Risk Assessment by Lustre Consulting;
- Interim Travel Plan by DHA Planning;
- Tree Constraints Plan drawing number 1577-KC-XX-YTREE-TCP01 Rev 0;
- Tree Protection Plan drawing number 1577-KC-XX-YTREE-TPP01 Rev 0;
- Transport Statement by DHA Planning dated October 2020;
- Transport Statement Addendum by DHA Planning dated February

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

2021.

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

5. **Illustrative plans/documents**

The reserved matters shall be broadly in accordance with the following illustrative material:

Site Plan drawing 4157/sk26 Feb 2021;
Proposed Unit 1 – 4 Elevations 4157/sk27a;
Proposed Unit 5 – 8 Elevations 4157/sk28a;
Proposed Unit 9 Elevations 4157/sk29a;
Proposed Units 10 – 12 Elevations 4157/sk30;
Proposed Unit 13 Elevations 4157/sk31;
Proposed Units 14 – 16 Elevations 4157/sk32a;
Proposed Units 17 – 22 Elevations 4157/sk33;
Indicative Emergency Plan 4157/sk34;
Outline Emergency Shelter/Evacuation Plan September 2020.

Reason: The above plans have informed the decision making process and should provide a basis for future reserved matters details.

6. **Ground levels and finished floor levels**

No development shall take place until details of existing and proposed ground levels, and finished floor levels of the buildings, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006). A pre-commencement condition is required as these will effect early ground works.

7. **Contaminated land (investigation and remediation)**

No development shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the Local Planning Authority (LPA). The above scheme shall:

- (a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).
- (b) Include a remediation scheme which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

- (c) Include a monitoring and maintenance scheme to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.
- (d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.

Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out in accordance with the approved details. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme.

If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. Thereafter, any remediation measures shall be carried out in accordance with the approved details.

The development shall not be occupied until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

Reason: To ensure that 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. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required to ensure that adequate investigation and a suitable remediation and/or monitoring is agreed before it may be implemented throughout the demolition and/or construction phase.

8. No infiltration of surface water to the ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with the National Planning Policy Framework. To protect nearby receptors such as the fishing lakes from potential contamination from the underlying solvent plume.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

9. Piling

Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater quality and ensure that the proposed piling does not harm groundwater resources in line with the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection'.

10. Construction method statement

No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (f) Temporary access arrangements to the site, and any temporary hard-standing;
- (g) Wheel washing facilities;
- (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (j) Hours of construction and demolition work;
- (k) Hours of deliveries and preferred haulage routes;
- (l) A site set-up plan during the works

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

11. Hours of work

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

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

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

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-

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

2026.

12. External lighting

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 identify those areas/features on site that are particularly ecologically sensitive and the strategy shall include a plan to show the location of the lighting, isolux contour diagrams and specifications for all lighting. The external lighting shall thereafter be installed in accordance with the approved details prior to the occupation of any of the buildings.

Reason: To protect the amenity of neighbouring sites in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

13. Travel Plan

The units hereby approved shall not be occupied until an amended Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the implementation programme set out within the approved plan. It shall be reviewed (and updated if necessary) within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Supplementary Planning Document Quality Design (June 2006).

14. Landscape

No unit shall be first occupied until a detailed soft landscaping scheme, to include details of the structural plants in the planters and containers has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new buildings (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

(2006-2026), and the Quality Design SPD.

Note: As part of the landscaping it is recommended that the Leylandii trees of Group G10 are removed. They are likely to continue to grow and therefore concern is held for their future retention being close to Unit 5. The Council's tree officer would like to see them replaced with Fastigate Scots Pine (sometimes called Sentinel Pine – *Pinus sylvestris fastigiata*) which will reach a maximum height of 8-12m and reflect the local heathland ecology as well as helping the biodiversity of the site.

15. Tree protection

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 *Keen Consultants Tree Protection Plan 1577-KC-XX-YTREE-TPP01 Rev0 dated Feb 2021*. Within the fenced areas there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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

16. BREEAM

The development hereby permitted shall achieve a rating of "Excellent" under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The development shall not be first occupied until a final certificate has been issued certifying that this rating has been achieved, and a copy of the certificate has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

17. Emergency Plan for Construction Phase

No development shall take place until a comprehensive Emergency Plan has been submitted to and approved in writing by the Local Planning Authority in relation to the construction phase of the development. Thereafter the measures set out in the approved Emergency Plan shall be implemented in full for the duration of the construction process.

Reason: In order to ensure protection of the construction staff should there be a radiation emergency at AWE Aldermaston in accordance with Policy CS8 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required as it is essential the approved strategy is in place at the time works commence and measures may need to be put into place prior to works starting on site.

18. Outline Emergency Plan

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

No development shall take place until an outline Emergency Plan for the whole site has been submitted to and approved in writing by the Local Planning Authority. The plan shall be based on the draft submitted with this application however it must also provide the following:

- (a) Confirmation as to the construction of each of the units – in order to assess they will be able to provide adequate sheltering conditions.
- (b) Confirmation that a live telephone landline would be available in each of the units.
- (c) More details as to what would be needed to happen in each of the units by way of the ‘basic’ actions.
- (d) More detail in relation to how a controlled immediate evacuation or a controlled release after shelter would be undertaken and where an agreed location for everyone to go to would be. The site is on a major road and one which would be used by the emergency services as a result any evacuation must not impact on the responding vehicles.
- (e) Confirmation in the emergency plan that all the equipment referred to will be available such as bedding, masks, food etc for each unit.
- (f) Whilst it is noted that there is often 85% daily occupancy of the maximum numbers of employees this does not take account of visitors to the units who would also need to be accommodated therefore the sheltering capacity should take account of this. In addition the layouts of each unit must allow for sheltering the maximum occupancy with no requirement for anyone to go outside to get shelter in another unit.
- (g) More detail is necessary in relation to the coordination of the response across all unit.
- (h) More detail is necessary in relation to training and exercising of the plan(s).
- (i) More detail in the plan should be added in relation to recovery.

An outline Emergency Plan means that normally only the final contact details and names are not completed.

Thereafter the development shall be carried out and operated in accordance with the approved details.

Reason: In order to ensure that the development will not have an impact on the AWE Off-Site Plan and therefore to protect employees and the emergency response team should there be a radiation emergency at AWE Aldermaston in accordance with Policy CS8 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required as it is essential to the future use of the site that acceptable measures can be put in place.

19. Comprehensive Emergency Plan for the site and individual units

No individual unit shall be occupied until a comprehensive Emergency Plan for the site and that particular unit has been submitted to and approved in writing by the Local Planning Authority.

Upon occupation of the respective unit the approved measures within the Emergency Plans shall be implemented in full, shall be kept up-to-date by the unit operator and the site management/owners. Thereafter, the plans should be reviewed and amended as necessary and at least annually. The Local

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

Planning Authority may at any time require the amendment of either/both plan(s) by giving notice pursuant to this condition. The Local Planning Authority may at any time require a copy of the then current Emergency Plan for the site which shall be submitted to the Local Planning Authority within 1 month of notice being given.

Reason: In order to ensure that the development as a whole and the individual units have integrated emergency plans in place in order to ensure that the application site as a whole will ensure a coordinated response with the site management and individual units such that the site as a whole will not have an impact on the AWE Off-Site Plan and will mitigate the risk to those people on the site in accordance with Policy CS8 of the West Berkshire Core Strategy 2006-2026.

20. Thames Water

No building shall be occupied until confirmation has been provided that either:

- (a) All water network upgrades required to accommodate the additional flows to serve the development have been completed; or
- (b) A development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

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

21. Landscape and Ecological Management Plan (LEMP)

No development shall commence until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted in accordance with the Summary of Ecological Enhancements Version 21.06.21 and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed to include hard and soft infrastructure, boundary treatments and habitat enhancement and protection measures.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures. Measures should be monitored in years 1, 3, 5, 10, 15, 20, 25 and 30.
- (i) A phasing plan including green phasing so habitats are protected and

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

enhanced in the best way possible and to allow for the planting to become well established before handover to any managing agent.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: A pre-commencement condition is required because the LEMP may need to be implemented during construction. This condition is required to ensure biodiversity enhancements are incorporated into the development in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

22. **Construction Environmental Management Plan (CEMP)**

No development shall take place (including demolition, 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:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of "biodiversity protection zones".
- (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).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

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.

Reason: A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction. This condition is required to ensure biodiversity enhancements are incorporated into the development in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

23. Time limit on development before further surveys are required

If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 3 years from the date of the planning permission, the approved ecological measures secured through Conditions 21 and 22 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of protected species and (ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

IMPORTANT: If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.

Reason: A pre-condition is required because the impacts on species will need to be managed during the construction process. This condition is required to ensure biodiversity enhancements are incorporated into the development in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

24. Electric vehicle charging points

The units hereby approved shall not be occupied until details of the electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Each unit shall not be occupied until the electric vehicle charging points for that unit have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of an electric car.

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

25. Visibility splays before development

No development shall take place until visibility splays of 2.4 metres by 89.0 metres to the north and 2.4 x 98.0 metres to the south have been provided at the access in accordance with drawing 14592-H-01 submitted on October 29th 2020. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

26. Access construction before development

As a first development operation, the vehicular, pedestrian/cycle access and

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

associated engineering operations shall be constructed to wearing course with the area within the junction radii completed with a tarmac surface in accordance with the approved drawing 14592-H-01 submitted on October 29th 2020. The access shall be constructed via Section 278 of the Highways Act 1980 or any other appropriate mechanism. No business unit shall be occupied until the access works have been completed in accordance with drawing 14592-H-01 submitted on October 29th 2020.

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

27. Vehicle parking provided to standards

The units hereby approved shall not be occupied until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The use shall not commence until the vehicle parking and turning spaces/areas for that unit have been provided in accordance with the approved details. The parking and/or turning space for each unit and any communal spaces shall thereafter be kept available for parking serving the development at all times.

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

28. Cycle storage

No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

29. Drainage:

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 and thereafter implemented in accordance with the approved details before the development is occupied.

These details shall:

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

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018 which seeks to maximise the use of 'green SuDS' within a development;

- b) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- d) Include run-off calculations, discharge rates and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- f) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- 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;
- h) 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);
- i) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- j) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);
- k) Show that attenuation storage measures have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- l) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;
- m) Provide details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided;
- n) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- o) Provide a post-construction verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include : plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

- SuDS measures thereafter;
- p) Provide details of how the existing culvert linking A340 with the existing on-site pond will be replaced and improved;
 - q) Provide details of how the existing on-site pond will be improved both in terms of water quality (and where possible, quantity) and for habitat and biodiversity;
 - r) Provide details of how the periphery of the site will be re-naturalised and enhanced to improve appearance and ecology of the site;
 - s) Provide details to show how the development will prevent surface water from entering into the existing contaminated groundwater on site;
 - t) Show how the built area of the development will encourage surface water runoff to be slowed down and cleaned through pervious paving and porous sub-base. SuDS measures such as tree pits will be provided throughout the site.

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 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. **Biodiversity net gain credits off site**

A contribution of £60,000 to secure off site credits to enhance biodiversity in accordance with Policy CS17 of the West Berkshire Core Strategy 2006-2026.

Refusal Reasons (if Section 106 Agreement not completed)

1. **Planning obligation**

The application fails to provide an appropriate planning obligation for a financial contribution to secure off-site credits to enhance biodiversity. The application is therefore contrary to the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Planning Obligations SPD.

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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil
3. The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagement@westberks.gov.uk 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.
4. 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.
5. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
6. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

9. **Application No. & Parish: 21/01086/COMIND - The Grange Nursery, 18-21 Church Gate, Thatcham**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/01086/COMIND in respect of the change of use from Class E(g) (i), E(f) and E(e) to F1(a) for a special educational needs school and associated works.

Principal Planning Officer, Ms Emma Nutchey, introduced the report and highlighted the key points. The application was recommended for approval subject to conditions.

In accordance with the Council's Constitution, Mr Philip and Mrs Sarah Harris, Objectors, and Mrs Lucy White and Mr Mark Heywood, agent/applicant, addressed the Committee on this application.

Objector Representations:

Mr and Mrs Harris in addressing the Committee raised the following points:

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

- Mr Harris stated that he and his wife were the owners of Harris Mind and Body, which was the business that currently occupied the Atrium and had done so for six years. It was believed that they provided a valuable service to the local population and they wished to continue.
- There was a few points they wanted considered. First of all because of the way the planning notice was displayed, it was not clear that all the buildings were involved in the proposal. If there had there been more time to object, Mr Harris believed that there would have been a larger number of objections.
- Mr Harris added that given the pandemic had disrupted the amount of people travelling, fewer people had seen the planning notice. It was not until 7th June 2021 that Mr and Mrs Harris had seen the notices and they only had until 10th to raise any objections.
- Mr Harris stated that whilst it was understood that there was a need for Special Educational Needs schools and that the provision of such as school was part of one of the Council's objectives, the benefit of a community health and wellbeing service could not be underestimated.
- Mr and Mrs Harris' business supported local General Practitioners and their populations. The multidisciplinary approach that they delivered ensured general health and wellbeing could be provided to people locally.
- The benefit of the business compared to the proposed school was that Mr and Mrs Harris were able to provide the service for all the local population to access and not just small minority. They disagreed with the summation in the report that suggested that one service was required above another.
- Mrs Harris reiterated that Harris Mind and Body was a well-established business and was family run. They had worked incredibly hard to survive recessions and lockdowns through offering a very diligent and professional service to anyone who needed their support.
- It was a historic site and it was important to bring the buildings back in to action. Mr and Mrs Harris agreed that it was a shame to see the large Grange Manor house looking derelict however, the Atrium was already in use and a quality service was being provided.
- It was noted that that the proposal would only use the site in term time, so there would be a large period of time when all the buildings would be empty. Mrs Harris stressed that the Atrium was already in use.
- It was understood that there were other steps to be considered when looking at why a building should have a change of use and it was understood that the needs to a business were not always the points that could be considered. Ultimately Mr and Mrs Harris were requesting that the businesses could co-exist.

Member Questions to the Objector:

Councillor Tony Linden appreciated the hard work that had been put in to the business, which was very valuable. He understood that businesses were often reluctant to move due to customers however, he was confident that there would be alternative premises for Harris Mind and Body in the locality. It was not a planning consideration however, there was an Economic Development Officer at the Local Authority who might be able to offer some support. Councillor Linden queried if Mr and Mrs Harris had looked at alternative locations. Mrs Harris confirmed that they had looked at other available buildings however, it was difficult to obtain change of use for a retail or office building. Moving to the Atrium

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

had been a difficult and expensive process as a change to use had needed to be obtained for the business. Mrs Harris stated that she would welcome the support from the Economic Development Officer. Mr Harris added that the Atrium had been chosen initially for access reasons because it was all on one floor and many customers who used the business had disabilities.

Councillor Bridgman stated that he was the Portfolio Holder for Health and Wellbeing and welcomed all businesses that offered services like Harris Mind and Body. Councillor Bridgman raised a contractual question and stated that he understood that Mr and Mrs Harris were tenants of the property in question. He presumed that there was a commercial lease with a landlord, which was coming to an end he highlighted that the landlord could choose at that point not to renew the tenancy. Councillor Bridgman queried why the planning process should interfere with this. Mr Harris acknowledged the point and stated that he could not provide an argument against it and stated that unfortunately the landlord had been extremely poor in communicating the plans with them. Mrs Harris added that the other business currently on the site was in exactly the same position and had no idea about the plans until very recently. There was frustration with the landlord however, Mrs Harris stressed that they wanted their voices heard. It was appreciated that every child was entitled to an education and the main point that Mr and Mrs Harris wanted considered was whether the Atrium could be excluded from the plans. Mrs Harris reported that they would support phase one of the plan but not phase two.

Agent and Applicant Representations:

Mrs Lucy White (Agent) and Mr Mark Heywood (Applicant) in addressing the Committee raised the following points:

- Mrs White reported that the applicant supported the Planning Officer's recommendation and proposed conditions.
- The proposal would provide 60 new school places for children with SEN, in particular social, emotional and behavioural needs such as autism, aspergers, ADHD and severe anxiety. These pupils were unable to cope in larger mainstream settings and benefitted from smaller class sizes.
- There would be both primary and secondary age children at the school. The Local Education Authority (LEA) was aware of an increasing number of children within West Berkshire needing school places at specialist schools. In the absence of sufficient places within the district a growing number of children were travelling to neighbouring authority areas for their education. Longer journeys were less sustainable and often impacted negatively on children's wellbeing.
- The LEA also had plans to deliver a Special Educational Needs (SEN) school with 42 places through redevelopment of an existing site however, due to the build program this would take some time to deliver and it did not have sufficient capacity to meet all known needs in the district.
- The applicant had held meetings with the LEA to discuss the proposals and given the local need and ability for the school to be operational substantially sooner than its own, the LEA was in support of the proposed development.
- The provision of the school aligned with emerging Local Plan objectives to encourage provision of new community uses and public services within Thatcham. It also aligned with the LEA's published SEN Strategy for the delivery of specialist school places.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

- Objections to the proposal had primarily expressed concerns over the loss of the Atrium as the premises for the physiotherapy practice. There had been no objections in principle to the proposed introduction of a school on to the site.
- The leases for the sub-tenants would come to a natural end in October 2022 with no right to renew. Following vacation of the businesses the applicant could make substantial use of the whole site to benefit the local community. As a result the applicant proposes to phase the delivery of the school, initially occupying the Grange and Lodge, which had been vacant since the closure of the day nursery. During phase one the school would accommodate approximately 20 pupils and 14 staff, with parking for 40 cars. Staggered drop off and picks would take place to avoid congestion on the site.
- The second phase of plan would involve the occupation of the Mews and Atrium following the natural end of the leases. The applicant had no intention to occupy the buildings before the current tenant's leases had expired. The remaining 16 months of tenancy provided the tenants with time to secure new premises.
- Prior to occupation of the second phase an additional 22 car parking spaces would be provided giving a total of 62 spaces to serve the school.
- The schools proposed hours of operation would be shorter than the former day nursery and limited to school term time only. In addition the pupil capacity would reduce by about 90 children compared with the former day nursery. The number of car journeys into the site and noise generation would reduce as a result to the benefit of local residents.
- The applicant had been made aware of some issues with the existing external lighting disturbing neighbouring residents and the applicant was happy to work with residents at the earliest opportunity to resolve these issues. The shorter hours of operation should also reduce the need for such lighting.
- In summary, Mrs White concluded that the proposed school would help the education authority to deliver its SEN Strategy through the provision of 60 new specialist school places. No objections had been raised regarding the principle of a new special needs school in the location and there were no objections from statutory consultees. The proposal aligned with the Council's planning policies and emerging policy objectives. It was hoped that Member of the Committee would support the proposal.

Member Questions to the Agent:

Councillor Bridgman asked for clarification that the applicant was taking a lease out on the premises and the existing tenants would therefore become subtenants of the applicant. He queried if he was correct in understanding that there was no intention of extending the current tenancies and there was no right to an extension. Mrs White agreed that the landowner had no intention to extend the existing tenancies and Phoenix Childcare would only occupy the buildings following the cessation of those leases.

Member Questions to Officers:

Councillor Mayes noted within the plans that the yellow doors would be removed and asked if this was advisable as it would make the access to the building narrower. Ms Nutchey reported that the works referred to by Councillor Mayes had been presented as part of the application and although she could not confirm the reason for this change it would be more aesthetically in keeping. Councillor Pask stated that any doorway would have to be compliant with suitable regulations for wheelchairs and other disabled users

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

and Ms Nutchey agreed with this point. Councillor Linden stated that Members had been informed at the site visit that the change to the doors would be useful for the new use.

Debate:

Councillor Bridgman firstly commented that Councillor Linden was correct and stated that Members had been told at the site visit that one of the buildings had double doors and the intention was to replace the yellow doors with similar double doors. Councillor Bridgman commented that previously when attending physical planning meetings there had been access to plans and he suggested that Officers consider reverting to this.

In beginning the debate on the item Councillor Bridgman stated that there were cases where the Council had little control regarding objections raised and in the case of the current proposal the applicant could refuse to grant the current occupants of the Atrium a fresh tenancy. The application therefore needed to be treated with this in mind. Councillor Bridgman sympathised with Mr and Mrs Harris as he wanted to see businesses like Harris Body and Mind continue however, the Committee could not stand in the way of the legal right of the applicant to refuse to grant a fresh tenancy. Councillor Bridgman's understanding of the proposal was that it would only work if all of the site was used. He supported the proposed use of the site and therefore he was in favour of the application but he recognised the difficulties if caused for the existing business and its users.

Councillor Richard Somner felt that it was a very unfortunate situation of a tenancy debate. Councillor Somner stated that he would be more than happy to put the Economic Development Officer in touch with Mr and Mrs Harris. Secondly Councillor Somner stated that he had been surprised on the site visit at the size of the site and the different buildings located on it. He felt that it would be an ideal site for the provision of an SEN service. Councillor Somner felt that the provider of the service would want the security of knowing that the whole site was going to be available as soon as possible. As mentioned by Councillor Bridgman it was noted that the current leases would expire naturally and Councillor Somner was of the view that the proposal would provide a great opportunity for children in the area.

Councillor Linden felt that the application was very valuable and supported the proposal. He was confident that the Economic Development Officer would be able to offer support to the businesses currently on the site in finding alternative premises.

Councillor Somner proposed that the Officer recommendation to approve planning permission was supported and this was seconded by Councillor Linden. At the vote the motion was carried.

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

Conditions

1. Commencement of development

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

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

2. Approved plans

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

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

Existing and proposed Site Plans drawing 1034/PL02H;
The Lodge Proposed Ground Floor Plan drawing 1034/PL15D;
The Lodge Proposed First Floor Plan drawing 1034/PL16G;
The Lodge Proposed Elevations drawing 1034/PL17C;
The Grange Proposed Basement Plan drawing 1034/PL20C;
The Grange Proposed Ground Floor Plan drawing 1034/PL21C;
The Grange Proposed First Floor Plan 1 drawing 1034/PL22D;
The Grange Proposed First Floor Plan 2 drawing 1034/PL23D;
The Grange Proposed Second Floor Plan drawing 1034/PL24C;
The Grange Proposed Elevations Sheet 1 drawing 1034/PL25C;
The Grange Proposed Elevations Sheet 2 drawing 1034/PL26C;
The Mews Proposed Floor Plan drawing 1034/PL31;
The Mews Proposed Elevations drawing 1034/PL32;
The Atrium Proposed Floor Plan drawing 1034/PL33;
The Atrium Proposed Elevations drawing 1034/PL34;
Proposed Garden Room Elevations drawing 1034/PL19C;
Proposed Garden Room Floor Plan drawing 1034/PL18D.

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

3. External lighting

No external lighting shall be installed until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall show the location and type of lighting to be used. No external lighting shall be installed except in accordance with the above strategy.

Reason: To protect the amenity of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework.

4. Cycle and vehicular parking

The use hereby approved (school for children with special educational needs) shall not commence until a phasing plan showing vehicular and cycle parking has been submitted to and approved in writing by the Local Planning Authority. The cycle and vehicle parking shall thereafter be provided and thereafter kept available for vehicle and cycle parking in accordance with the approved details.

Reason: To ensure the provision of suitable vehicular parking within the site and prevent any overflow impacts on Church Gate and to ensure suitable cycle parking facilities are provided in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026 and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).

6. Electric vehicle charging spaces

The use hereby approved (school for children with special educational need) shall not commence until details of an electric vehicle charging point have first been submitted to and approved in writing by the Local Planning Authority and thereafter provided in accordance with the approved details.

EASTERN AREA PLANNING COMMITTEE - 4 AUGUST 2021 - MINUTES

The charging point shall be maintained and kept available and operational for electric vehicles at all times thereafter.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

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 which improves the economic, social and environmental conditions of the area.

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

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/01645/FULD Ashhampstead	11 th August 2021	Demolition of existing house, garage and outbuildings, erection of one new house and detached open carport. Section 73 application to vary condition 2 (approved plans) of approved planning permission 20/02001/FULD. Redwood Burnt Hill Yattendon Thatcham West Berkshire RG18 0XD Mr Justin Knott

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01645/FULD>

Recommendation Summary: Grant planning permission subject to conditions

Ward Member: Councillor Alan Law

Reason for Committee Determination: 10 or more objections received

Committee Site Visit: 18th August 2021

Contact Officer Details

Name: Mr. Matthew Shepherd
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Matthew.Shepherd@Westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 (approved plans) of approved planning permission 20/02001/FULD, which granted planning permission for the demolition of the existing house, garage and outbuildings, erection of one new house and detached open carport at Redwood, Burnt Hill, Yattendon, Thatcham, RG18 0XD.
- 1.2 Although the development has commencement through the demolition of the previous house it is not considered at the time of writing that the changes proposed within this application have been undertaken and therefore this application is currently being considered under Section 73.
- 1.3 The site lies within the AONB, within the hamlet of Burnt Hill. The site was occupied by a detached dwelling and a single storey detached garage prior to the implementation of permission 20/02001/FULD. This dwelling was between two existing properties, Thee Oaks and The Bungalow. All three properties are detached, set back from the road, positioned within large plots. On the opposite side of Scratchface Lane, the development pattern is similar, which includes a number of detached dwellings, along with a cul-de-sac development of large properties.
- 1.4 The proposal includes a single storey side extension to include a plant room, a rear single storey conservatory/rear extension, and the enlargement of the car port to a double car park.

2. Planning History

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

Application	Proposal	Decision / Date
18/01678/FULD	Demolition of existing house and garage, and erection of two new houses.	Refused and dismissed at appeal 12.06.2018
18/02855/FULD	Demolition of existing house and erection of one new house and garage.	Refused 20.12.2018
19/01646/FULD	Demolition of existing house, garage and outbuildings, erection of one new dwelling.	Refused and dismissed at appeal 28.10.2019.
20/00763/FULD	Revised application for demolition of existing house, garage and outbuildings, erection of one new house	Refused 29.05.2020.
20/02001/FULD	Demolition of existing house, garage and outbuildings, erection of one new house and detached open carport	Approved 06.11.2020

20/02030/HOUSE	Householder application for side and rear extension including associated improvements to parking and access.	Approved 26.11.2020.
21/00013/COND1	Application for approval of details reserved by conditions 4 (materials), 5 (landscaping), 6 (CMS), 13 (finish floor levels), 14 (external lighting), 15 (drainage), 16 (tree protection), 17 (Arboricultural Method Statement) 19 (spoil), 20 (LEMP) and 21 (CEMP) of approved 20/02001/FULD - Demolition of existing house, garage and outbuildings, erection of one new house and detached open carport	Spilt Decision part approved part refused 11.03.2021.
21/00777/COND2	Application for approval of details reserved by conditions 15 (Drainage), 16 (Tree protection) and 17 (Arboricultural Method Statement) of approved planning permission 20/02001/FULD - Demolition of existing house, garage and outbuildings, erection of one new house and detached open carport	Approved 26.05.2021.

3. Procedural Matters

- 3.1 **EIA:** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore “Schedule 2 development” within the meaning of the Regulations. However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is not considered “EIA development” within the meaning of the Regulations.
- 3.2 **Publicity:** A site notice was displayed on 20TH July 2021 at the front of the site; the deadline for representations expired on 10th August 2021.
- 3.3 **CIL:** 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 at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

Statutory and non-statutory consultation

- 3.4 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.

Ashampstead Parish Council:	<p>Object to the application. The objections are summarised as follows:</p> <ul style="list-style-type: none"> • The approved plans saw an increase of 100% in the internal areas measured against the original property whilst the proposal add a further 10% to allowed internal area this is effectively a further increase of 25% on the original property. Not a minor extension. • The proposed brings the development closer to neighbour properties reducing the openness of the site. This clearly has an impact on the properties opposite but also spoils the rural character of this part of the AONB. • The proposed sunlight dining rooms adds considerable depth to the development and due to rising grounds creates much more massing effect when view from Thee Oaks. • Condition 23 of the previous planning permission decision specially applied in order to prevent over development. • There could be attempts to enlarger the development even further.
Yattendon Parish Council	<p>Object to the application. The objections are summarised as follows:</p> <ul style="list-style-type: none"> • The extensions to the footprint of the development constitutes overdevelopment of the site. Condition 23 of the granted permission seeks to ensure that overdevelopment of the site does not occur. • The dining room extension at the rear of the property significantly increases the footprint to the rear of the approved building and that of its neighbouring property, Thee Oakes. The proposed doors and windows on the northwest elevation provides a line of sight directly into the neighbouring property. Condition 24 seeks to protect the amenity and privacy of the neighbouring property and this additional extension goes against this. <p>The addition of the plant room reduces the space between the property and its neighbouring property, blocking the open views from Scratchface Lane that are so important in an Area of Outstanding Natural Beauty.</p>
WBC Highways:	No objections
WBC Public Rights of Way Officer:	No response
Ramblers Associations:	No response

North Wessex Downs AONB Board:	No response
WBC Tree Officer:	Comments made
WBC Ecology Officer:	No response
Natural England	No comments
WBC SUDS Officers:	No response
WBC Waste Management Officers:	No objections

Public representations

3.5 Representations have been received from 19 contributors, all of which object to the proposal. 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:

- This application effectively seeks a new planning permission.
- The applicant has submitted a number of applications for this site and most have been overdevelopment.
- The site is an absolute mess with detritus scattered everywhere, and the applicant has not had the decency to engage with local residents.
- The application is accompanied by a planning report which states that the plot will not be saleable unless the property is further enlarged, this should have been considered before they bought the plot.
- I also note that the application submitted is at a scale of 1:200 rather than a more usual 1:100 or even 1:50 – this scale has the effect of making the development look less on paper than it will actually be when built.
- The increase of the Carport to the south of the development means that the entire road frontage will, in effect, be taken up by the development constituting another application of overdevelopment.
- The revisions amount to circa 34m² of space taking the total house (excluding the carport) to circa 290m² - much too large for this rural hamlet and this particular location.
- It is not seen how this application for the amendment to the granted permission (condition2) is anything other than an attempt to achieve a larger development via the 'back door'. In my opinion, if approved, this permission would constitute over-development of a plot of this size.
- The dwelling is not considered to be proportionate in size and scale to the existing dwelling.
- The Impact on the AONB" This new proposal does nothing to mitigate the urbanising and dominating impact on the landscape and does not reflect neighbouring dwellings.
- Has a detrimental impact on the quality of life in West Berkshire and does not display the highest level of design". There is no mitigation of these concerns. - "Lack of Information on Ecology of the Site".
- There is no ecology report.
- In summary Burnt Hill is in an AONB and is a hamlet of individual, modest houses of character positioned centrally within their plots. The proposal is too large and ostentatious and in a style that is not sympathetic to the area.

- Given the circa 1.2m height difference between Thee Oakes and Redwoods, and patchy nature of the laurel hedge in this location and the hedge that will inevitably be removed when the development commences, the impact of pushing the development further back into the site, significantly beyond the line of the existing Redwood house and Thee Oakes, is that there will be direct lines of sight from the additional dining/living space via the proposed the patio doors/windows on the North West eleven directly into neighbouring kitchen, rear bedrooms and patio significantly impacting on privacy and amenity.
- Approving the development will inevitably lead to further attempts to enlarge the property.
- Condition 24 of the previous permission effectively restricted the development on site to the maximum given.
- The plant room significantly reduces the buffer between the new house and Thee Oakes and blocks the currently open views from Scratchface Lane up and down the valley. We are also worried about noise from 'plant' this close to our living and bedroom accommodation.

4. Planning Policy

4.1 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, CS1, CS4, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C7, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, TRANS 6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

5. Appraisal

5.1 The main issues for consideration in this application are:

- Decision making context
- Character and appearance
- Impact on neighbouring amenity
- Highways safety

Decision making context

5.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the

uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

- 5.3 Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of the development.
- 5.4 Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.
- 5.5 Section 73 provides that on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. Consequently, the principle of development and other fundamental considerations have already been judged to be acceptable in the previous grant of planning permission. The consideration of this application should focus on the merits of the proposed changes to the previously approved detailed design.
- 5.6 There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 5.7 The main issue raised by the proposed changes to the design of the dwelling and the car port and how this affects the design of the dwelling and character of the area.

Character and appearance

- 5.8 Policy CS14 seeks high quality design to ensure development respects the character and appearance of the area. Policy CS19 seeks the enhancement of the natural and built environment. It states that particular regard will be given to the sensitivity of the area to change, and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 5.9 This application seeks to add to application 20/02001/FULD through a single storey side extension to include a plant room, a rear single storey conservatory/rear extension, and the enlargement of the car port to a double car park.
- 5.10 Given the application is a variation of the original application, rather than a householder application, the relevant principal policy is Policy C7 (Replacement Dwellings) rather than Policy C6 (Extensions).
- 5.11 Policy C7 states that there will be a presumption in favour of the replacement of an existing dwelling of permanent construction. A replacement dwelling will be permitted providing that:
 - i. The existing dwelling is not subject to a condition limiting the period of use as a dwelling; and
 - ii. The replacement dwelling is proportionate in size and scale to the existing dwelling, uses appropriate materials and does not have an adverse impact on:
 1. The character and local distinctiveness of the rural area

- 2. Individual heritage assets and their settings
 - 3. Its setting within the wider landscape; and
- iii. There is no extension of the existing curtilage, unless required to provide parking or amenity space to be consistent with dwellings in the immediate vicinity; and
 - iv. Where the existing dwelling forms part of an agricultural, equestrian, or other commercial rural enterprise and is an essential part of that enterprise, the replacement dwelling must continue to perform the same function. An occupancy condition may be applied; and
 - v. The impact on any protected species is assessed and measures proposed to mitigate such impacts.
- 5.12 It has previously been concluded that the development permitted under application 20/02001/FULD complies with Policy C7. When considering this application it must be assessed in terms of whether the development as a whole, not just the individually extensions, would comply with Policy C7. The main areas of the development that need to be reviewed are the design, proportionately, and impact to the character of the area. These have been considered in the rest of the report.
- 5.13 Whilst the case officer accepts that further development does take this dwelling further away from the original, now demolished, dwellings size in terms of proportionality the case officer does not feel this results in a harmful impact.
- 5.14 Paragraph 11 of Appeal Decision APP/W0340/W/19/3243683 for the previously proposed much larger house notes that
- “The proposed replacement dwelling would be substantially larger in terms of footprint, floor area and height. It would have a larger expanse of roof and, when viewed within its rural context, the proposed replacement building would be of a considerably greater scale, bulk and massing than the property to be replaced.”*
- 5.15 It is noted that the previously proposed dwelling referred to by the Planning Inspectorate was two storey with rooms in the roof. The proposed elements of this application are all single storey additions to the dwelling. So whilst there is an increase in footprint this is not the same as what was proposed under appeal APP/W0340/W/19/3243683. It also does not add to the overall scale, bulk or massing of the proposed dwelling. Owing to their position, design and scale it is considered that the proposed changes do not significantly add to the bulk and massing of the dwelling in the same way as previously found harmful.
- 5.16 Although the single storey boot/utility room on the side will increase the width by approximately 2.4 metres this is set back from the front of the property giving it less prominence and breaking up the building line. Additionally in the context of Appeal Decision APP/W0340/W/19/3243683 that was 16 metres wide at two storeys so still smaller and with significantly less mass, bulk and height.
- 5.17 The total floor space of the previously refused scheme which was dismissed at appeal APP/W0340/W/19/3243683 was approximately 367 square metres. The variation proposed within this development would take the size to approximately 260 square metres, and all the increases would be single storey, whereas the previous size was over two storeys with rooms in the roof.
- 5.18 The rear extension extends into the large expanse of garden to the rear of the property. Whilst the size and the width would increase again in a piecemeal way from the previously approved development and the original house, it is not considered that it would do so in way that was harmful to the character of the area or the AONB.

- 5.19 The carport is proposed to be increased from one car bay to two car bays. The design is very similar to the off the previously approved carport. Again whilst this pushes the size and width of built form upwards it is not considered to result in harmful massing, bulk or scale given its height.
- 5.20 Overall, it is considered on balance that the proposed development remains in compliance with Policy C7, and other policies which relate to design and character. It is not considered that harm would result to the character of the area or the wider AONB. The extensions are all subservient. Previous Planning Inspectors found concern with appeal schemes in terms of their bulk, massing and size, but it is considered that these aspects of development would not have a harmful effect. It is therefore considered that the development complies with Policies C3, C7, CS14, and CS19 of the development plan.

Impact to Neighbouring Amenity

- 5.21 Concerns have been raised in the letters of objections as to the impact on neighbouring amenity. The provision of a plant room on this side of the house has a degree of separation to neighbours. Additionally, the plant housed within this room serves the domestic dwelling of Redwood itself so there are no fundamental concerns with potential noise that would indicate planning permission should be refused.
- 5.22 The rear extension would include patio doors facing towards neighbouring properties but these would be at ground floor level and could be obscured by boundary treatments and landscaping. Additionally the area to the rear of the property would have been an area of patio under the original design which would have benefited from the same position. It is therefore considered that the proposed changes do not have a detrimental impact on the neighbouring amenity.

Highways

- 5.23 The highway officer's raises no objections to the application. Conditions recommended under 20/02001/FULD and subsequently discharged should be carried over and the development built in accordance with the agreed details.

6. Planning Balance and Conclusion

- 6.1 Section 73 provides that on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. Consequently, the principle of development and other fundamental considerations have already been judged to be acceptable in the previous grant of planning permission. The consideration of this application should focus on the merits of the proposed changes to the previously approved detailed design. The main issue raised by the proposed changes to the design of the dwelling and the car port and how this affects the design of the dwelling and character of the area.
- 6.2 The proposed changes would increase the overall size of the development, which is an important factor in terms of determining whether the replacement dwelling is proportionate to the original dwelling. However, having regard to the position, scale and design of the proposed changes, it is considered that the resultant dwelling would remain in compliance with Policy C7, not cause any harm to the character of the area or wider AONB, not materially harm neighbouring amenity, and not raise any new highway or environmental issues. As such, it is recommended the planning permission is granted.

7. Full Recommendation

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

Conditions

1. **Approved plans**

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

- Drawing title "Proposed Site Plan, Car port, Location and Block Plans". Drawing number 20/16/01 Revision F. Drawing submitted 16/06/2021.
- Drawing title "Proposed Access & Visibility Splays" (access only, excluding building footprint). Drawing number 19/02. Drawing submitted 28/08/2020.
- Drawing title "Proposed Plans and Elevations". Drawing 20/16/03 Rev C. Drawing submitted 16/06/2021.
- Drawing title "Proposed Site Sections". Drawing 20/16/02. Drawing submitted 28/08/2020.

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

2. **Demolition of Existing Building**

The existing dwelling on the site and all associated outbuildings, and structures within its curtilage shall be demolished and the land cleared of spoil and debris prior to the commencement of development of the replacement dwelling hereby approved.

Reason: The demolition of the existing dwelling is used to justify the approval of this development. Without demolition of these buildings the development would proliferate built form on the AONB not in accordance with policy, This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

3. **Materials**

The materials to be used in this development shall be as approved by application 21/00013/COND1, unless alternative materials are permitted in writing by the Local Planning Authority pursuant to this condition. The approved materials are:

- Brown Plain Clay Roof Tiles - Sandtoft Humber Flanders.
- Red Brown Facing Bricks - Ibstock Olde Village. Mortar finish as shown.
- Windows, External Doors and Bargeboards:- uPVC Colour White.
- Driveway and Parking Area:- Natural shingle with porous tarmac driveway set back 5m from highway edge.
- Patio and Sidings adjoining house:- Permeable Paving - Raj Hand-Cut Sandstone Paving
- Timber Cladding (cycle store) - Treated sawn featheredge stained light brown.
- Gutters & Downpipes - Black uPVC ogee guttering and round downpipes.
- Fascia and Soffit uPVC white to match doors and windows.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

4. **Soft Landscaping**

All landscaping works shall be completed in accordance with the approved landscaping scheme contained within the LEMP (version 4) approved under application 21/00013/COND1) within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

5. **Construction Method Statement**

The development shall be carried out in accordance with the Amended Construction Method Statement submitted to the Local Planning Authority via email on the 25/01/2021, under application 21/00013/COND1.

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).

6. **Electric Charging Points**

The dwelling shall not be first occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

7. **Stopping up of Existing Vehicular Access**

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

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

8. **Visibility splays**

No development shall take place until visibility splays of 2.4 metres by 37 metres to the north-west and 2.4 metres by 36 metres to the south-east have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because the works are required to be undertaken throughout the construction phase in the

interests of highway safety. This pre commencement condition was agreed by the agent via email on the 02/11/2020.

9. **Parking Layout**

The replacement dwelling shall not be first occupied until vehicle parking and turning spaces have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

10. **Cycle Parking**

The replacement dwelling shall not be first occupied until cycle parking/storage facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).

11. **Hours of work (demolition/construction)**

No demolition or construction works shall take place outside the following hours:
8:00am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

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

12. **Finished Floor Levels**

The finished floor levels of the development shall be carried out in accordance with the finished floor levels shown in Drawings 20/16/03A showing finished floor level of 112.27m AOD (as existing) which relates to the topographical survey drawings 662TH01 forming part of the submitted and approved plans which were found as part of application 21/00013/COND1.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

13. **External Lighting**

No external lighting shall be installed within the site except in accordance with the statements in the covering letter, and the elevation drawings, submitted as part of approved application 21/00013/COND1.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, and to conserve the dark night skies 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 CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

14. Sustainable drainage

The replacement dwelling shall not be first occupied until the sustainable drainage measures identified in the SuDS Strategy Report (reference SD2103105), approved under application 21/00777/COND2, have been completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. 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), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018).

15. Tree Protection

The development shall be carried out in accordance with the tree protection methods set out in the covering letter approved under application 21/00777/COND2 (related to condition 16 of 20/02001/FULD).

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

16. Arboricultural Method Statement

The development shall be carried out in accordance with the Arboriculture Method Statement set out in the covering letter approved under application 21/00777/COND2 (related to condition 17 of 20/02001/FULD).

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

17. Hard Landscaping

The replacement dwelling hereby permitted shall be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core

Strategy (2006-2026), and Quality Design SPD.

18. **Spoil**

The spoil arising from the development shall be dealt with in accordance with the details approved under application 21/00777/COND2 (relating to Condition 19 of 20/02001/FULD).

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

19. **LEMP and CEMP**

The development shall be carried out in accordance with the Landscape Ecological Management Plan (GS Ecology ECO2198e3, 05/03/2021) submitted to the council on the 05/03/2021 via email in response to condition 20 and 21 of 20/02001/FULD and approved under application 21/00777/COND2.

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

20. **Bat Mitigation**

The replacement dwelling shall not be first occupied until bat access tiles, as shown in figures 4 and 5 and prescribed in section 4.0 Assessment and Recommendations (bats) of the submitted Ecological assessment report (Dated 18 September 2020 - Ref ECO2198b), have been installed in the presence of a suitably qualified and experienced ecologist. Thereafter they shall be retained, maintained and not obstructed or blocked in perpetuity.

Reason: To ensure the protection and limit any potential the Biodiversity Opportunity Area. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS17 of the West Berkshire Core Strategy (2006-2026),

21. **Permitted Development Rights Restrictions**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, outbuildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C, D, E and F of that Order shall be constructed, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding North Wessex Down Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

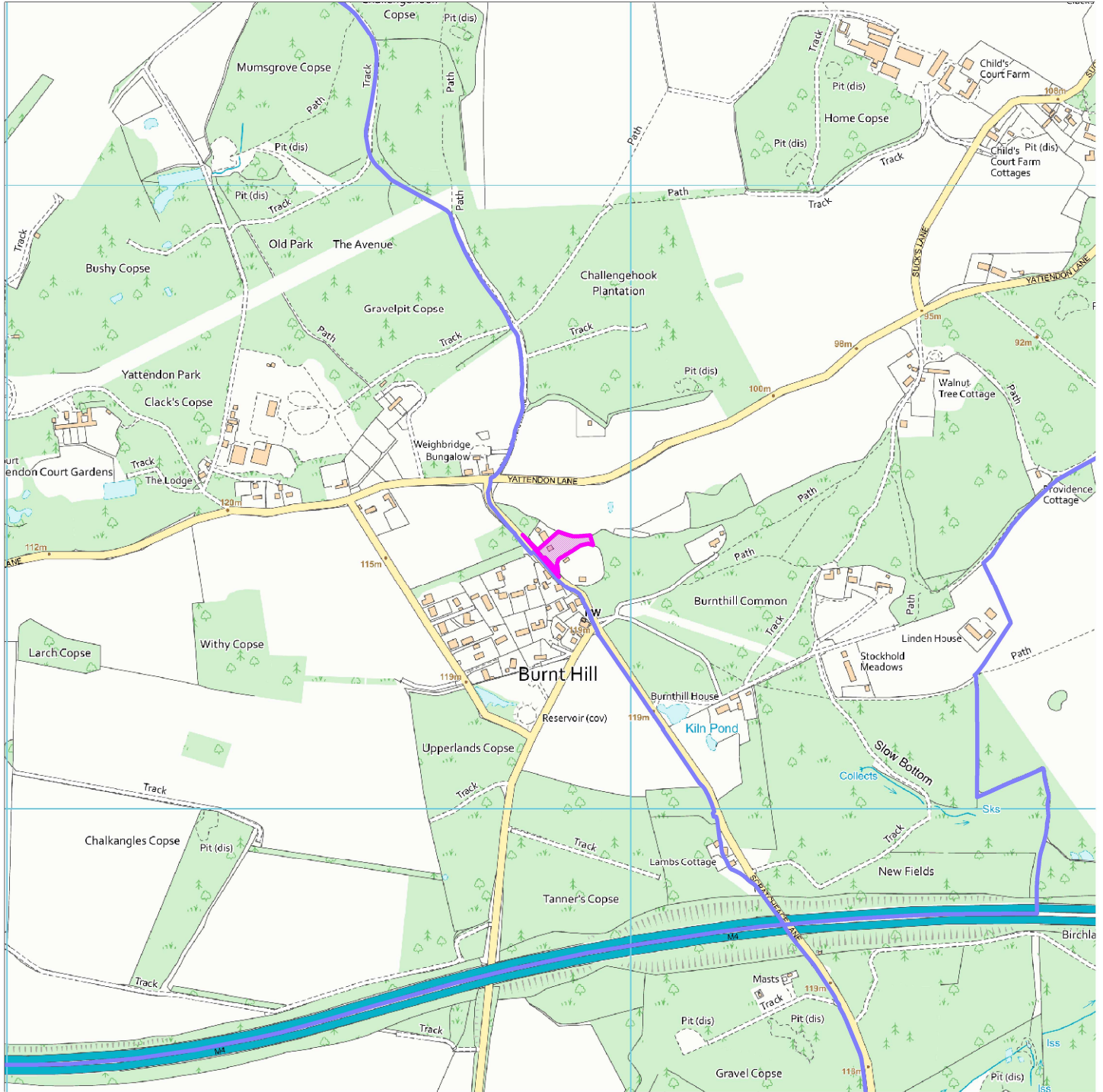
22. **Side window obscure glazing**

The windows at first floor level in the western and eastern side elevations of the dwelling hereby approved shall be fitted with obscure glass before the dwelling

hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

This page is intentionally left blank



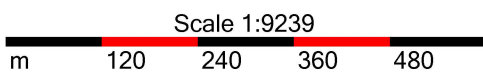
Map Centre Coordinates :

Scale : 1:9238

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	12 August 2021
SLA Number	0100024151



This page is intentionally left blank

Planning Appeal Decisions

Committee: Eastern Area Planning Committee on 25th August 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. Further decisions have also been received and these will be reported in a later report. 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
20/00388/FULD Appeal: 3261314 Written reps	Five Acres, Bath Road, Woolhampton Erection of two detached 3 bed dwellings.	Delegated refusal	Dismissed 01/03/2021	N/A
20/00929/HOUSE Appeal: 3260589 Written reps	1 Kirton Farm Cottages, Pingewood Two storey rear extension	Delegated refusal	Dismissed 02/03/2021	N/A
20/00999/FULD Appeal: 3258447 Written reps	11 Turnfields, Thatcham Construction of a one-bedroom single storey dwelling and associated parking.	Delegated refusal	Dismissed 03/03/2021	N/A
20/00635/FUL Appeal: 3258591 Written reps	29 Skylings, Newbury Three bedroom detached self-build dwelling.	Delegated refusal	Dismissed 03/03/2021	N/A
19/02216/FULD Appeal: 3265708 Written reps	Land at 4 High Street, Hermitage Demolition of outbuildings and erection of 2 no. 4 bedroom dwellings and associated works.	Delegated refusal	Dismissed 30/04/2021	N/A
20/01958/HOUSE Appeal: 3266752 Written reps	Lothlorien, Slanting Hill, Hermitage Extension to side of house with linking extension to existing garage.	Delegated refusal	Allowed 05/05/2021	N/A
20/02278/HOUSE Appeal: 3265420 Written reps	Brookfield House, Mans Hill, Burghfield Common Erection of garage with store and home office above; creation of associated driveway.	Delegated refusal	Dismissed 18/05/2021	N/A

<p>20/01920/OUTD</p> <p>Appeal: 3265397</p> <p>Written reps</p>	<p>Land adjacent to Hunts Cottage, School Hill, Midgham Green</p> <p>Outline application for the erection of a dwelling and garage on land adjacent to Hunts Cottage, School Hill, Midgham Green together with access from School Hill and associated landscaping. Principle and means of access to be considered.</p>	<p>Delegated refusal</p>	<p>Dismissed 01/06/2021</p>	<p>N/A</p>
---	---	--------------------------	-----------------------------	------------

Housing in the countryside

- The decision at **Hunts Cottage** turned on the interpretation of the criteria in Policy C1 for **limited infill development** in the countryside, in the context of the presumption against new residential development outside of settlement boundaries. In this instance, there was no dispute between the Council and Appellant that the proposal would, subject to reserved matters, comply with the criteria set out at Policy C1, ii, iii and iv. Moreover, there was no dispute that the appeal site fronts an existing highway. The dispute, therefore, relates to whether the appeal site is within a closely knit cluster of 10 or more existing dwellings.



- The Inspector commented that the appeal site is located between one existing dwelling to the west and four to the east. Hunts Cottage is located beyond the dwellings to the east. Given the close physical and visual relationship between these properties, the Inspector considered that they form a closely knit cluster of six dwellings. There are also properties located on the east side of New Hill Road that form a second cluster of dwellings. The Inspector recognised that from certain vantage points within the immediate locality, the dwellings either side of the road can be seen in the same view. However, given the distance between the two clusters, the intervening road and areas of open land, they appear as two separate and distinct clusters. As such, the Inspector agreed with the Council that the appeal site is not within a closely knit cluster of 10 or more existing dwellings.
- The Inspector rejected Appellant's contention that the site had good accessibility to services and facilities, noting that no details of any available public transport to these

the proposed dwellings. However, there is no planning obligation presented at appeal to this effect and the Inspector stated that the suggested terms would fail to secure the dwellings as affordable housing in perpetuity, as they would only come into effect if the dwellings are sold or rented following their initial occupation by the proposed self-builders. As such, he afforded limited weight to this matter.

9. The Inspector was not persuaded by the Appellant's suggestion that the Local Plan does not make any specific provision for **self-build and custom housebuilding**. The Council had referred the Inspector to an appeal decision in which this matter was considered and where the Inspector found that the development plan does allow for the provision of self-build/custom build, although no specific mention is made. Rather, the plan requires an appropriate mix of housing based on the needs of various and different groups in the community, including those wishing to build their own homes. The Inspector in this case commented that there was nothing sufficiently compelling in the evidence before him to reach a different conclusion.
10. The Inspector also concluded that the proposal would cause harm to the character and appearance of the area. He stated that the appeal site provides a visual transition between the dwellings to the west and the open countryside to the east, and that by extending the existing frontage further along the A4, it would be visually intrusive. It would also exacerbate the large parking area to the front of the dwellings. He also found that the spacing between the proposed dwellings would not reflect the more informal layout of the existing dwellings to the west which contributes to the area's sense of openness and rural character.
11. Given the close proximity of the busy A4 and the railway line, the Inspector was also concerned with noise and vibration, and therefore considered a noise assessment necessary to more accurately assess and understand the living conditions of future occupants. Without such an assessment the Inspector concluded that the proposal was contrary to Policy OVS.6 (Noise) of the Local Plan.

Housing within settlement

12. At **11 Turnfields**, a proposed single storey infill development between The Moors and Turnfields was refused due to concerns with harm to the character and appearance of the area, residential amenity, and highway standards. With respect to amenity, the Inspector was satisfied that obscure glazing on a side window would prevent overlooking of an existing dwelling, and that despite nearby maisonettes and a detached property being on lower ground levels, the proposed dwelling would not be imposing or overbearing on these neighbours. However, the Inspector did consider that several large first floor windows in a neighbouring property would result in direct views at a short distance into the main garden area of the proposed property, significantly limiting the levels of privacy. The Inspector disagreed with the Council's concerns on character and appearance, he recognised that having a gable facing the road would contrast with the terrace adjacent to the site, but commented that dwellings beyond the site were orientated differently. The change in scale to a bungalow was also not judged to be harmful. With respect to parking, the Inspector noted that the proposed two off-street parking spaces would exceed the Council's parking standards, but agreed with the Council that there would be limited space to the front of the proposed parking spaces to manoeuvre. In the absence of evidence to the contrary (e.g. tracking plot diagrams), the Inspector concluded that the layout would require repeated movements, and that this would be likely to conflict with other road users where there is no street lighting or designated pedestrian footway.

13. In **4 High Street, Hermitage** the Inspector disagreed with the Council's contention that the two proposed dwellings would harm the character of Hermitage through backland development and the erosion of the wooded backdrop. The Inspector recognised that the appeal site extends beyond the road frontage towards an area of very mature woodland, which forms a discernible backdrop for the village which is particularly apparent nearer the post office and pub. However, whilst the Village Design Statement indicates that the village is linear, the Inspector commented that this is not restricted to a single plot depth frontage building line, particularly in the vicinity of the appeal site. They also concluded that the height and siting of the dwellings would not significantly harm the view across the site towards the backdrop of trees, as the tree canopy would be higher. However, the Inspector did dismiss the appeal because they agreed with the Council's concerns regarding living standards for the intended occupants of the development and another adjacent house that is currently under construction. A separation distance of 8.6m between two storey dwellings was judged to be overbearing and create an inappropriate sense of enclosure to the adjacent dwelling. Both dwellings would suffer a lack of privacy.
14. At **29 Skylings**, Newbury, a proposed detached dwelling accessed from Martingale Chase was refused due to concerns with character and appearance, amenity and inadequate parking. The Inspector agreed with the Council in all respects. In terms of character, the detached dwelling was judged to be at odds with the settlement pattern comprising regular terraces and spacious plots. In terms of living conditions, the proposed dwelling would introduce first floor windows in close proximity to the boundary giving direct an uninterrupted views into the neighbouring garden. The Inspector commented that, while some mutual overlooking is inevitable and tolerable in residential areas, this proposal would significantly increase the level of overlooking and reduce the privacy occupiers currently experience. Despite other relationships with other existing dwellings not being particularly harmful, this concern was deemed unacceptable. In terms of parking, the Inspector had regard to the Council's adopted standards, the proposed intensification of parking on the site to two dwellings, and observed on-street parking issues, concluding the proposal would be harmful to highway safety.

Non-designated heritage assets

15. **Brookfield House** is identified in the West Berkshire Historic Environment Record, and is as such a non-designated heritage asset (i.e. a building having a degree of significance meriting consideration in planning decisions, because of its heritage interest, but which is not otherwise listed/designated). Its significance is derived principally from its age, its unique design and appearance, and its prominent location within the countryside. The proposed development would comprise the erection of a detached outbuilding, with five parking bays on the ground floor. The roof space of the building would be used to provide storage and a home office. The Inspector agreed with the Council that, whilst the proposed garage block would be lower in height than the host dwelling, the appeal proposal would result in a building of considerable height, bulk, scale and mass. It would extend above surrounding boundary treatment and due to its size, it would extend the height and spread of built development along the boundary of the site, which would be clearly visible from Mans Hill. The Inspector concluded it would be an incongruous form of development in local context. With respect to the impact on the significance of Brookfield House as a non-designated heritage asset, the Inspector commented that the proposed outbuilding would be of a considerable size and scale, in particular its height, with the roof level of the proposed building being comparable to the second floor of Brookfield House. As a result, the Inspector agreed with the Council that, despite the overall design and appearance of the proposed building being in keeping with the features of Brookfield House, the proposed outbuilding would appear as a prominent building, clearly visible in local views. As such, it would detract from the

overall legibility of Brookfield House and, due to its size, would harm the significance of the building as a non-designated heritage asset.

Householder development

16. In **1 Kirton Farm Cottages** a substantial rear extension was proposed to one of a pair of semi-detached dwellings. The existing host dwelling was markedly smaller than its neighbour, which had a wider frontage. The neighbour also had an existing extension to the rear but set away from the common boundary. The proposed development sought to emulate the neighbouring extension, but given the smaller host dwelling would be positioned immediately along the boundary. As the proposed two storey extension would protrude a substantial distance to the rear, and would extend across its full width, at the same height, with a footprint marginally smaller than the existing dwelling, the Inspector concluded that it would be a large and bulky form of development that would not be subservient to the host dwelling, and would be visible from an adjoining public footpath. The Inspector commented that the historical extensions to the neighbour did not justify the proposal or outweigh the harm. Given the position of the proposed extension immediately alongside the boundary, as well as its design and height, the Inspector also agreed with the Council that it would represent a visually intrusive, overbearing and overshadowing form of development. A letter of support from the affected neighbour did not alter the Inspector's decision given the conflict with adopted policies.

17. At **Lothlorien** the Inspector disagreed with the Council that an extension linking a substantial dwelling with an existing outbuilding, which due to changing ground levels was single storey scale at the front and three storey scale at the rear, was harmful to the AONB. The Inspector also disagreed with privacy concerns regarding windows and balconies given a mutual level of overlooking, the angles oblique angle of overlooking, and because balconies would only be in occasional use.