

# Notice of Meeting



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## Western Area Planning Committee Wednesday 31 August, 2022 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

This meeting will be streamed live here: [Link to Western Area Planning Committee broadcasts](#)

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on 30 August 2022 by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### 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: Monday, 22 August 2022

### 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 or email [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

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

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk).



**Agenda - Western Area Planning Committee to be held on Wednesday, 31 August 2022**  
(continued)

**To:** Councillors Clive Hooker (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Carlyne Culver, Claire Rowles and Howard Woollaston

**Substitutes:** Councillors Jeff Beck, James Cole, Lynne Doherty, David Marsh, Steve Masters, Andy Moore, Erik Pattenden and Martha Vickers

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# Agenda

## Part I

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1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
  2. **Minutes** 7 - 26  
To approve as a correct record the Minutes of the meeting of this Committee held on 20 July 2022.
  3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
  4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).*
- (1) **Application No. and Parish: 22/01556/HOUSE, 11 Valley Road, Newbury** 27 - 34
- Proposal:** Proposed single storey rear extension replacing existing PVCu conservatory and single storey rear kitchen extension
- Location:** 11 Valley Road, Newbury, RG14 6ET
- Applicant:** Mr and Mrs Brian Conlon
- Recommendation:** To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8 of the report)



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(continued)

- (2) **Application No. and Parish: 22/01643/TELE56, Junction of Stoney Lane and Turnpike Road, Newbury** 35 - 44
- Proposal:** Application to determine if prior approval is required for a proposed: Development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network in, on, over or under land controlled by that operator or in accordance with the electronic communications code - The installation of a new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.
- Location:** Junction of Stoney Lane and Turnpike Road, Newbury
- Applicant:** Hutchinson 3G UK Limited
- Recommendation:** To grant approval of the siting and appearance
- (3) **Application No. and Parish: 21/03083/COMIND, Land Adjacent to M4, Membury Airfield, Hungerford** 45 - 58
- Proposal:** Change of use of land to Class B8
- Location:** Land Adjacent To M4  
Membury Airfield  
Road Known As Ramsbury Road  
Lambourn Woodlands  
Hungerford  
West Berkshire
- Applicant:** Putnam Properties Ltd
- Recommendation:** To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.2 of the report)

### **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,



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(continued)

- correspondence and case officer's notes.  
(e) The Human Rights Act.

*Sarah Clarke.*

Sarah Clarke  
Service Director – Strategy & Governance  
West Berkshire District Council

If you require this information in a different format or translation, please contact  
Stephen Chard on (01635) 519462.





# Agenda Item 2.

## DRAFT

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

### WESTERN AREA PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 JULY 2022

**Councillors Present:** Clive Hooker (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Phil Barnett, Jeff Cant, Carlyne Culver, Howard Woollaston and James Cole (Substitute) (In place of Dennis Benneyworth) (as substitute)

**Also Present:** Sharon Armour (Solicitor), Paul Goddard (Team Leader - Highways Development Control), Masie Masiwa (Senior Planning Officer), Simon Till (Principal Planning Officer (Team Leader)) and Sadie Owen (Principal Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth and Councillor Claire Rowles

#### 9. Minutes

The Minutes of the meeting held on 8 June 2022 were approved as a true and correct record and signed by the Chairman.

The minutes of the meeting on 29 June 2022 were approved as a correct record and signed by the Chairman, subject to the following amendments:-

Paragraph 77 - Councillor Adrian Abbs stated that his calculations had differed to the officer's due to Members having received incorrect information.

Paragraph 78 - Councillor Abbs further commented that he had drawn a comparison with Newbury Racecourse where one of the most regular criticisms was that there was insufficient provision for disabled parking. He had further suggested that figures should be rounded up rather than rounded down.

#### 10. Declarations of Interest

Councillor Phil Barnett declared an interest in Agenda Item 4(3), by virtue of the fact that he was a Member of Newbury Town Council and Greenham Parish Council. Councillor Barnett also stated that he had been lobbied both for and against the application, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Abbs declared an interest in Agenda Item 4(3), by virtue of the fact that he was a Member of Greenham Parish Council. Further, Councillor Abbs reported that he lived one mile away from the proposed application site and had been lobbied both for and against the application, but commented that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Clive Hooker, Howard Woollaston, Tony Vickers and Carlyne Culver declared an interest in Agenda Item 4(3), by virtue of the fact that they had received an email from a local resident seeking support for the application, but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### 11. Schedule of Planning Applications

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### (1) **Application No. and Parish: 22/00160/OUTMAJ - Land off Lambourn Road, Speen, Newbury**

Agenda Item 4(1), was withdrawn from the Committee post publication of the Agenda.

### (2) **Application No. and Parish: 21/01843/HOUSE - Lake House (formerly Hayward Green Farm), West Woodhay Road, West Woodhay**

Agenda Item 4(2), was withdrawn from the Committee post publication of the Agenda.

### (3) **Application No. and Parish: 22/00658/COMIND - Newbury Racecourse, Racecourse Road, Newbury**

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 22/00658/COMIND in respect of a proposed Temporary 1 year permission at Newbury Racecourse for a Great Newbury Christmas Carnival (with attractions including market stalls, bigtop, fairground rides, Christmas tree maze, ice-rink, Santa's grotto).
2. Mr Masie Masiwa introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations.
3. As a point of order Councillor Jeff Cant queried whether, as the refused application 21/01079/COMIND was currently the subject of an appeal to the Planning Inspectorate, the appeal status should be awaited prior to reviewing the current application.
4. Mr Simon Till, Team Leader (Western Area Planning), explained that the applicant was within their rights to apply pending the result of the appeal. He commented that it was for Members to decide the application and make a decision regardless of the appeal.
5. The Chairman asked Mr Paul Goddard, Principal Development Control Engineer, if he had any observations relating to the application. Mr Goddard reported that the access arrangements, which had been of significant concern in the original application, had been substantially resolved thanks to the organisers working with the Council. Conditions attached to the application made provision for a shuttle bus and for a travel plan to be submitted both before and after the event.
6. In accordance with the Council's Constitution, Martin Sanderson, Tom Nisbet and Liz Turner, objectors, Melissa Hughes, supporter, Julian Thick, Dani Fumicelli and Coral Curtis applicant/agent, addressed the Committee on this application.

#### **Objector Representation**

7. Mr Sanderson in addressing the Committee raised the following points:
  - Mr Sanderson commented that he spoke on behalf of the resident objectors, all of whom appreciated that they lived in the vicinity of an events venue. However, he asserted that to allow the proposed application would increase the number of event dates from 31 race events to an additional 35 Carnival dates per year. Mr Sanderson argued that this would effectively switch the majority use of the racecourse from racing events to Carnival events.
  - Mr Sanderson acknowledged that if there were no fairground rides, there would be no objection to the application.

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- Mr Sanderson commented that the revised application only amounted to a 3% reduction in opening hours.
- It was alleged that the traffic impact to local residents remained unchanged from the previous application and there was insufficient information in relation to local access.
- Mr Sanderson suggested that heavy good vehicles transporting the rides and stalls to the site would cause increased traffic and congestion, as would the level of daily visitors to the event.
- Mr Sanderson noted that David Wilson Homes had recently received approval for an application to build apartments at the 'bridge' end of the event and that it was expected that building works would commence at the same time as the proposed Carnival.
- Mr Sanderson commented that the noise assessments accompanying the application were largely based on predictions rather than actual evidence. He further argued that trees would provide no sound protection.
- Mr Sanderson suggested that the generators detailed would not be sufficient to run the rides, music and lighting proposed.
- In relation to the car parks, Mr Sanderson commented that Car Parks 1 and 5 already caused a substantial impact to residents on race days due to the floodlights and the gravel surface.
- Mr Sanderson argued that comparison with Hyde Park's Winter Wonderland was pointless as there were no residential properties in the vicinity of Hyde Park.
- Mr Sanderson suggested that the lighting report was low on detail as a number of ride specifics had not been included.
- Mr Sanderson noted that there had been no assessment of the environmental impact of the application and no assessment of any flood risk.
- Mr Sanderson felt that the economic benefit to Newbury as a town would be negligible as he anticipated that visitors would make use of the hotel facilities at the racecourse rather than venturing into Newbury.
- Mr Sanderson argued that as freeholders of the properties, the racecourse had a duty of care to provide a peaceful and healthy environment to residents living there.

### Member Questions to the Objector

8. Councillor Carolyne Culver queried whether residents were provided with a prospective number of event days as part of their leasehold agreement.  

Ms Turner clarified that it was part of the sale particulars rather than within the specific agreement. Ms Turner commented that race days were not an issue and that many residents participated in the events, the concern arose at the proposed additional 35 days of Carnival which would cause 14 hours disturbance each day.
9. In relation to a query from Councillor Adrian Abbs, Mr Sanderson clarified that the 135 metres related to the distance from the southern boundary of the site to the southern boundary of the trees.
10. Councillor Phil Barnett queried what sort of size event would be acceptable to the residents.

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Mr Sanderson drew a comparison with Winchester Christmas Market and suggested that something similar without all of the fairground rides would be more acceptable.

11. Councillor Barnett queried the type of disturbance that might be caused by Car Parks 4 and 5.

Mr Sanderson reported that a number of residents did not have curtains and so the portable floodlights were quite intrusive as was the sound of the gravel surface of Car Park 5 which Mr Sanderson asserted could be heard above the sound of a television.

12. Councillor James Cole queried the assertion that trees would not provide any protection against noise.

Mr Sanderson confirmed that at a recent site visit Mr Thick had himself confirmed that they provided no sound protection to the residents in Mandarin Drive.

13. In response to a query by Councillor Cant, Ms Turner commented that whilst some residents had been consulted by the racecourse operator and its agent, not all local residents had been.

### Supporter Representation

14. Ms Melissa Hughes in addressing the Committee raised the following points:

- Ms Hughes introduced herself as a representative of Newbury Business Improvement District (BID), whose role was to improve the trading environment of Newbury and its growing reputation, and to establish it as a 'go to' destination for businesses and visitors in the south.
- Ms Hughes commented that there was widespread support and demand for community centred events such as the proposed Carnival and argued that it would create jobs and employment benefits.
- It was felt that the Carnival would help benefit the growing reputation of Newbury. Ms Hughes argued that the Council needed to be bold and to put Newbury on to the map.
- Ms Hughes argued that nurturing and supporting the local economy was consistent with the National Planning Policy Framework as well as the philosophy, aims and objectives of the Council's adopted Core Strategy.
- It was suggested that the benefits that the Carnival would bring to Newbury and the surrounding West Berkshire area would be substantial and should, from Newbury BID's perspective, tip the balance towards planning permission being granted.
- Ms Hughes read the following statement on behalf of local resident, Mr Paul Marden:

'My wife and I visited the racecourse apartments in March 2014 and were immediately drawn by the stunning views around the site. We were told at the time that we would be buying a property on a business site and that various events apart from the racing would take part during the year. We have enjoyed every moment here. The Great Christmas Carnival promises to be not only a great event for the racecourse but for Newbury as a whole with a lot more people in the town supporting our local businesses. I can understand concerns based on last year's application but feel that the new temporary one year application is a real improvement. Most of the action is at the far end of the racecourse away from the vast majority of the housing. After the ups and downs of the pandemic it would be a

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great pick-me up and build up to Christmas, with opportunities for participation by local youth groups and schools. We have a station right outside and lots of parking at the venue and I do hope that Newbury is able to host the Christmas Carnival.

### Member Questions to the Supporter

15. Councillor Barnett referenced Ms Hughes use of the term 'destination Newbury' and queried how it could be guaranteed that visitors to the event would benefit the town and businesses as a whole.

Ms Hughes acknowledged that it was not possible to provide guarantees but promised to work closely with the racecourse to develop a strategy to market not just the event but Newbury town as a whole. The shuttle bus service was anticipated to facilitate this. It was hoped that visitors to the town would then come back throughout the year and benefit the economy in the long term as well as the short term.

16. Councillor Vickers felt that Newbury as the leading destination in the south at Christmas was too ambitious.

Ms Hughes clarified that the ambition was to be one of the leading destinations, but that there was no reason why it should not be Newbury given its prime location and easy accessibility.

17. Councillor Abbs commented that he struggled to understand how visitors arriving either by train or car would then be enticed into the town.

Ms Hughes commented that it would be facilitated by the marketing and signposting of the event, and using this to draw visitors into the town.

18. Further to a query from Councillor Cant, Ms Hughes clarified that there would be shuttle buses at the Carnival to take visitors to and from the town centre.

### Applicant/Agent Representation

19. Mr Julian Thick of Newbury Racecourse, in addressing the Committee raised the following points:

- Mr Thick reported that following the original application, the applicant had looked to improve the scheme and respond positively to the concerns raised by local residents.
- As a consequence, Mr Thick argued that there was overwhelming local support for the Carnival, with 86% of the 292 respondents wanting the event to go ahead. Mr Thick commented that of those, 112 were resident in Greenham Parish, and 73% of them were supportive, with 72% stating that they were likely to visit.
- Mr Thick suggested that the Carnival would have a positive impact on both Newbury and West Berkshire's economy.
- Mr Thick noted that diversification had always been part of the racecourse's business model.
- Mr Thick contested that the racecourse had a track record of working well with the Council and local stakeholders to solve issues.
- Mr Thick reported that the proposed event would fit within the racecourse's current licensing regime in terms of noise, lighting and duration.
- It was noted that the application was for a one year trial as the team were confident that it could be a success for all stakeholders.

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- Mr Thick commented that extensive survey work had been undertaken, given that noise was one of the main areas of concern. Further, the size of the site had been reduced.
- Mr Thick reported that sound systems would be carefully designed and controlled, and that the approach had been discussed and approved by the Environmental Health team.
- It was reported that the site would be centrally controlled by Underbelly (racecourse partners), with no ride operator having control of their own sound system.
- Mr Thick noted that the event was forecast to average 6,000 visitors a day, compared to a race day capacity of 36,000 visitors.
- It was reported that the 'no parking' measures used to protect residents on race days would be repeated throughout the duration of the Carnival. Further, additional trains would be scheduled by Great Western Railway, as for race days.
- Mr Thick commented that Underbelly was a very strong partner with a wealth of experience at organising similar high quality events.
- Mr Thick suggested that the Great Christmas Carnival had the opportunity to become one of the leading festive events in the UK, putting Newbury on the map.
- Mr Thick suggested that the event would be popular and would bring substantial economic benefits to both the racecourse and to the town.
- Mr Thick reported that all concerns raised by Members in relation to the previous application had been fully addressed and requested as such that the current application be approved.

### **Member Questions to the Applicant/Agent**

20. In response to a query from Councillor Abbs, Mr Fumicelli of Vanguardia, explained that there would need to be a 10 decibel (dB) change in sound to double volume.

Mr Fumicelli reported that there was a national code of practice in place in relation to sound levels at music festivals.

21. It was explained that 65 dB would be the lowest level likely to apply for a venue such as Newbury Racecourse. Mr Fumicelli commented that concert noise levels were significantly higher than that envisaged for the Carnival. Further, he reported that all amplified sound on site would be centrally controlled. Mr Fumicelli reported that the team were proposing a condition be attached to the application to set a specific noise level and 'cap' at the boundary.

22. Councillor Abbs suggested that Vanguardia's Draft Noise Assessment and Management Plan incorrectly measured noise by placing receptors 270 metres away from the site boundary rather than the 135 metres of Mandarin Drive. He suggested that there would be a significant difference in relation to sound travelling between the two.

Mr Fumicelli disputed that there was an error but contested that it was irrelevant as the condition would control the noise level whatever the distance.

Mr Fumicelli explained that noise had been measured close to the Hyde Park Winter Wonderland, not at the hotels in the vicinity, and had been recorded in order to predict information for a similar event at Newbury. Mr Fumicelli attested that it was inevitable that the noise levels for such an event would need to be predicted given that it had not taken place before.

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23. Councillor Abbs suggested that the plans mentioned one generator, but the update report referred to three generators. Councillor Abbs queried where the other generators would be located.

Mr Fumicelli reported that the updated application assumed three generators, grouped together to the western side of the site. The three would only operate together at times of peak demand. It was reported that the generator noise would be controlled through a plant noise condition. Mr Thick added that the noise of the generators at the boundary would be minimal.

24. Councillor Woollaston commented that he had no doubt in relation to the economic benefit of the proposal. He asked whether it would be possible to hear the sound of the Carnival over the television as a resident of one of the racecourse flats.

Mr Fumicelli responded that he was confident that the sound would not be heard, particularly as typical sound levels for watching television were 50 dB, which was six times louder than the predicted level.

25. Councillor Barnett commented that a lot of properties surrounding the racecourse were blocks of apartments and queried whether noise levels had been measured at ground level or higher.

Mr Fumicelli clarified that measurements had been taken both at ground level and elevated levels on the fourth floor. The noise had been 1dB higher on the fourth floor.

26. In response to a query from Councillor Barnett as to the availability of trains in both directions, Mr Thick reported that there would be communications in advance with Great Western Trains in relation to crowd size and timings, and that additional trains would be scheduled in both directions.

27. Councillor Cole queried whether trees would provide any noise protection to those living in Mandarin Drive.

Mr Thick responded that the noise assessment report prepared by Vanguardia had not taken into account trees as a factor.

Mr Fumicelli clarified that foliage would have an effect on noise where it was very dense and thick, for example 50-100 metres of dense conifers. Mr Fumicelli explained that his calculation had assumed a clear line of sight for the sake of clarity.

28. Councillor Vickers commented that weather would also effect sound, and queried how likely the cold weather would be to have an impact.

Mr Fumicelli commented that the most notable effect of weather was likely to be strong winds, but that the effect would be most noticeable at 2-3km away from the main site. It was suggested that the separation distance at the proposed site would be negligible. Mr Fumicelli stated that in his calculations he had assumed the most favourable conditions for noise travel.

29. Councillor Cant queried which result the team would pursue if they were successful at Committee and at appeal.

Mr Thick responded that he would commit to the application, if successful.

30. In response to a query raised by Councillor Abbs, Mr Fumicelli explained that baseline monitor measurements had been taken at Mandarin Drive, Frankel House and Lamtarra Way. They provided representative values in order to assess the impact to all surrounding properties. Mr Fumicelli explained that the baseline

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measurements were then compared to the nine assessment locations around the racecourse. Monitoring was undertaken for a week.

31. Councillor Abbs commented that Frankel House was on the corner of a road and that anyone driving at speed would create more noise, and that it was also the turn-in road for a lot of residents living in the flats.

Mr Fumicelli commented that he was confident that it was representative and added that he had discussed the location with Environmental Health Officers and local authority officers.

32. Councillor Abbs suggested that the peak readings taken at Frankel House appeared to be the approximate noise levels of a car and queried whether the team were confident that the baseline measurements would be within the acceptable bounds.

Mr Fumicelli confirmed that he was.

### **Ward Member Representation**

33. Councillor Barnett in addressing the Committee raised the following points:

- Councillor Barnett stated that he was saddened that there was no representative from Newbury Town Council or Greenham Parish Council at the meeting.
- Councillor Barnett acknowledged that Newbury Racecourse was one of the gems of the South and he wanted to see the organisation succeed. However he noted that the event under discussion was outside the normal activities of the racecourse and consequently needed to satisfy certain criteria, not only for attendees of the event, but the surrounding residents.
- Councillor Barnett highlighted some of the concerns that had been raised to him by ward residents. He suggested that whilst the site of the proposed application had been re-configured from the original application, it could potentially impact more residents.
- Councillor Barnett suggested that the noise level assessment appeared to be the same as the original application.
- Councillor Barnett suggested that the high fairground ride was likely to be seen clearly from miles around.
- Councillor Barnett commented that assembling and dismantling the rides was likely to cause considerable disturbance to surrounding roads and it was not known how long this would take.
- Councillor Barnett commented that cleaning of the site and the toilets had not been mentioned, but would also have an effect on the local residents.
- Councillor Barnett suggested that November could be a wet month and consequently there was a threat of flooding.
- Councillor Barnett stated that fuel costs had rocketed and so how likely was it that people would travel to the event, or to the town.
- Councillor Barnett commented that the impact to the residents in Mandarin Drive and Carruthers Court would definitely be felt.

### **Member Questions to the Ward Member**

34. Members did not have any questions of clarification.

### **Member Questions to Officers**



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35. Councillor Abbs queried why in the previous application the funfair noise had been described as 'will be played at a level not audible from the site boundary' and in the update report stated 'controlled centrally and played at a level that does not give rise to adverse effects beyond the site boundary'.

Ms Kate Powell, Environmental Health Officer, commented that it was a change in how the details had been presented and would not affect the noise levels. In response to Councillor Abbs querying whether the wording could revert to the original application, Ms Powell commented that she would be happy to do so, should it be requested.

36. In response to a query from Councillor Vickers, Mr Masiwa clarified that the two comparison site plans featured in the presentation were drawn to different scales.
37. Councillor Vickers queried how the assertion that the Carnival would improve the social infrastructure of local residents could be justified.

Mr Masiwa commented that it referred to bullet point 3 of policy CS2 which referred to the racecourse being a strategic site allocation.

Mr Till clarified that when reviewing applications, officers would evaluate social, economic and environmental considerations, and anything offering recreational activities either to the local community or local and wider community would be providing social benefit. He commented that an application might also cause detriment but the two needed to be distinguished from one another rather than stating that one negated the other.

38. Councillor Vickers queried the anticipated impact of the David Wilson Homes development. Mr Goddard felt that any impact would be minimal, as the racecourse bridge had been modelled based on a full housing development of 1,463 units and a Newbury Racecourse event day.
39. Councillor Barnett queried whether heavy goods vehicles transporting rides and delivering to the site were expected to use Greenham Road. Mr Goddard confirmed that the route was correct, and that all current events at the racecourse used the same route.
40. Councillor Barnett queried whether officers would be imposing conditions for site deliveries. Mr Goddard commented that should Members wish to impose a condition restricting traffic during set up and taking down of the Carnival then it was their prerogative. He did note however that there would be no visitors during such times.
41. Councillor Barnett queried whether the Chairman felt that the update report contained sufficient information to allay fears relating to drainage issues at the site.
42. Councillor Clive Hooker noted that Members had requested that a Sustainable Drainage System (SuDS) Officer be in attendance at the meeting but unfortunately he had not been able to attend due to personal reasons.

Mr Till highlighted an error at section 6.5 of the original application report that stated 'the proposal would not have an adverse impact on flood risk and would fail to comply' and should have read '..would not have an adverse impact on flood risk that would fail to comply'.

Mr Till reported that the drainage team had been consulted and that it had been accepted that the works were temporary with relation to a flood risk assessment, on the proviso that a flood risk assessment and a scheme of sustainable drainage measures should be submitted in order to mitigate any surface water at the site.

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Officers had also requested the inclusion of an additional condition requesting that sustainable drainage systems be put in place prior to any works commencing.

43. Councillor Hooker queried whether a transport travel plan could be submitted prior to the event to provide advance notice and allow for some traffic management. Mr Goddard commented that this would be acceptable subject to the consent of the planning and legal officers.
44. Councillor Abbs queried whether there had been any discussions in relation using Car Parks 2 or 3. Mr Goddard clarified that they would continue to be used by the hotel and so would not be available.
45. Councillor Abbs referred to page 30 of the Vanguardia Draft Noise Assessment and Management Plan report and asked Ms Powell to confirm whether it referred to 270 or 135 metres. Ms Powell commented that the table had been included to predict the level of noise of the crowd offsite, using noise levels for different types of speech and projecting them to different sites from the noise. Ms Powell confirmed that it referred to 270 metres.
46. Councillor Abbs queried whether the distance gave any cause for concern given that the first reference point of Mandarin Drive was 150 metres. Ms Powell did not have concerns in relation to noise of the crowds attending. Ms Powell felt that potentially the noise would be audible from the surrounding area, but did not anticipate unreasonable noise levels at the residential properties.
47. Councillor Barnett queried whether there had been any recommendation in relation to the positioning of the portable toilets and their cleaning schedule. Ms Powell commented that the environmental health team would not have considered this matter, but that it was something that could be dealt with reactively if there were any issues at the time of the event.
48. Mr Goddard clarified that Car Parks 2 and 3 had been retained for sole use of the hotel, nursery and racecourse staff, and would not be in use for the Carnival event.

### Debate

49. Councillor Abbs opened the debate by commenting that there were lots of concerns, many of which had flowed through from the previous application.  
Councillor Hooker reminded Councillor Abbs to focus on the fact that the current application was for one year rather than five.
50. Councillor Abbs suggested that it was unavoidable that there would be an impact to residents. Councillor Abbs voiced disappointment that both Car Parks 2 and 3 had been retained for the hotel, and suggested that a condition be included to only use Car Park 5 once Car Park 4 was full.
51. Councillor Abbs expressed a preference for including a condition in relation to the build up and take down times, and also requested a return to the original wording relating to the funfair noise.
52. Councillor Abbs suggested that it was critical that the generators were kept as far away from residents as possible.  
On balance, Councillor Abbs suggested that he was likely to vote in favour of the application, as long as certain aspects could be conditioned.
53. Councillor Vickers felt that Members needed to take account of the BID's evidence, but was more alarmed than pleased at being compared to an event in Hyde Park with 90,000 visitors.

## WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

54. Councillor Vickers commented that it was a difficult application as it was hard to find a precedent or comparison that could help inform the decision making. Councillor Vickers felt that to approve the application would provide an element of control that would be if the application was rejected.
55. Councillor Vickers felt that the Council should allow a one year trial and that the applicant deserved it. He acknowledged that there would be some impact on the residents but suggested that it may be covered by the term 'caveat emptor', particularly as the outline planning consent and Local Plan deemed the event within the terms of the planning policy.
56. Councillor Hooker further added that Council policies supported the racehorse industry.
57. Councillor Cant commented that he was supportive of Councillor Vickers approach, and did not feel it suitable to micro manage an application through the imposition of conditions.
58. Councillor Cant commented that the concerns raised by the previous application appeared to have been comprehensively dealt with and was encouraged by the results of the residents' survey report, although understood the reservations of the objectors.

Councillor Cant commented that on balance he would support the application.

59. Councillor Barnett commented that he still had reservations particularly as a Ward Member. He commented that he would like to see the racecourse succeed, but was doubtful for it to be at the expense of local residents.
60. Councillor Barnett anticipated that the application would find favour but commented that he would not support it. Councillor Barnett hoped that there would be sufficient conditions added to the application to lessen the impact to residents, and demonstrate that it had been given a fair hearing.
61. Councillor Cole commented that whilst the economy was suffering from a downturn, people were still travelling and that 'destination Newbury' should be given an opportunity. He felt that the facilities of the shuttle bus service and train station made the location ideal.
62. Councillor Cole commented that the application was for one year and that if the event did fail to adhere to the stipulations promised then it would not be approved again.

Councillor Cole proposed to accept the officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Woollaston.

63. Councillor Hooker commented that the debate had been very useful.
64. Mr Till provided a reminder of the conditions that had been discussed:
  - a. Construction Method Statement, relating to regulation of deliveries and regulating traffic during the set up and take down stage of the event.  
Councillors Cole and Woollaston approved the condition.
  - b. Condition requiring that Car Park 5 be used only when Car Park 4 was full. In response to a query from Councillor Cole as to whether this was felt necessary, Mr Till suggested that the racecourse would probably be best placed to manage their own parking sites, and that a parking management plan had been submitted as part of the application.

## WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

Councillor Cole did not feel it necessary and Councillor Woollaston suggested that it be included in as an informative as a preference but not a condition. Councillor Cole agreed.

- c. Funfair noise condition requiring that funfair noise 'be played at a level not audible beyond the site's boundary'. Mr Till drew attention to the Environmental Health Officer's report of 5 February 2022 which detailed that the noise would be 'controlled centrally and played at a level that does not give rise to adverse effects beyond the site boundary', and which had been felt sufficient and relied upon by planning officers making the application recommendations.

Members were doubtful as to how achievable the first clause would be.

Councillors Cole and Woollaston rejected the proposal of changing the wording of the condition.

- d. Condition requiring that generators not be used until details of acoustic shielding of the generators had been submitted and approved.

Councillors Cole and Woollaston approved the condition.

65. Mr Till noted that the National Planning Policy Framework required the applicant's consent prior to imposing any pre-commencement planning condition, as for the Construction Method Statement.
66. Mr Till reported that a SuDS condition had already been agreed by the applicant.
67. The Chairman invited Members of the Committee to vote on the proposal by Councillor James Cole, seconded by Councillor Howard Woollaston to grant planning permission. At the vote the motion was carried.

**RESOLVED that:** the Service Director for Development and Regulation be authorised to grant planning permission subject to the above conditions and following conditions:

### Conditions

#### 1. Temporary permission (restoration)

The use hereby permitted shall be for a limited period being the period of 1 year from the date of this decision. The use hereby permitted shall be discontinued and all structures, materials and equipment brought on to the land in connection with the use, shall be removed and the land restored to its former condition on or before 21 July 2023 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Reason: The application has been assessed in relation to it being a temporary permission. Planning permission would not normally be granted for the proposed development in this location, however regard has been paid to the temporary nature of the development and to allow time for noise measurements to be taken of the event and to review any future events of this kind. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

#### 2. Approved plans

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

Received on 14 March 2022

- Transport Statement
- Statement of Community Involvement

## WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

- Servicing Delivery Plan
- Planning Statement
- Operations Management Plan
- Draft Noise Assessment & Noise Management Plan
- Luminescence Plan
- Lighting Impact Report
- Design and Access Statement
- Proposed Big Wheel and Starflyer Elevations
- Proposed Big Top Circus Elevation and Floor Plan
- Proposed Carnival Layout
- Proposed Site Plan
- Levelling Plan
- Site Section A
- Site Section B
- Site Section C
- Ecological Information Cover Letter

Received on 25 April 2022

- Christmas Carnival Economic Impact Statement

Received on 23 May 2022

- Applicant response to Highways
- Cycle parking plan

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

### **3. Protection from external noise**

The development hereby permitted shall proceed in accordance with the noise management plan and monitoring arrangements within the Draft Noise Assessment & Noise Management Plan by Vanguardia Ltd and the Operations Management Plan by Underbelly received on 14 March 2022.

- a) The approved noise assessments, mitigations and monitoring shall be implemented and adhered to in full throughout the event.
- b) The applicant shall inform West Berkshire Public Protection (Environmental Health Officers) and the Local Planning Authority in writing of any and all exceedances of the predicted noise levels as soon as they are discovered and of any and all times when the noise levels are calculated result in higher noise levels than those detailed in conditions 7 and 8.
- c) Any subsequent requests for planning permission for the event shall be accompanied by noise surveys of the temporary event hereby permitted taken from key noise receptors as part of a noise monitoring report outlining the findings of the noise measurements and monitoring exercise during the event.

Reason: To protect occupiers of adjacent residential properties from excessive noise levels from the noise generated by the event and to ensure a good standard of residential amenity and to ensure the on-going management of noise from the permitted activities and there is no result in undue levels of noise and disturbance to the occupiers of neighbouring residential properties. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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### 4. Protection from external lighting

The development hereby permitted shall proceed in accordance with the Light Impact Report by Neil Johnson Consultants and the Luminescence Plan received on 14 March 2022.

Reason: To protect occupiers of adjacent residential properties from excessive light pollution from the event to ensure a good standard of residential amenity and to ensure the on-going management of lighting from the permitted activities and there is no result in undue levels of light pollution to the occupiers of neighbouring residential properties. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 5. Hours of operation

The use of the development hereby permitted is restricted to the following hours of operation:

- Monday to Wednesday: 12:00 - 21:00  
(Except closed Mondays, Christmas period and race days.)
- Thursdays: 12:00 – 21:00
- Fridays – Saturdays: 10:00 – 22:00  
(Except Christmas eve with an 18:00hrs finish and race days with a 16:00 hrs start)
- Sundays: 10:00 – 21:00  
(Except New Year's day with a 12:00hrs start)
- The times apply regardless of bank holidays

After the four race days that are scheduled during the event period, the Carnival would only be open from 16:00 – 22:00 hrs. During the week leading up to Christmas, the event will start at 10:00 hrs.

Reason: To ensure the on-going management of noise from the permitted activities within the site do not result in undue levels of noise and disturbance to the occupiers of neighbouring residential properties. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 6. Set up and breakdown of the event

Except where written approval has been granted by West Berkshire Council or in the event of an engineering emergency or for reasons of health and safety, works relating to the setup and breakdown of the event shall only take place from 0800 to 1800 hrs Monday to Friday and from 0900 to 1300 hrs on Saturdays. No works shall take place on Saturday afternoons, Sundays or Public Holidays.

Reason: To protect occupiers of surrounding residential properties against unreasonable noise levels. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 7. Amplified Sound

The level of noise from amplified sound assessed using the LAeq,15 min metric under free-field conditions shall not exceed a value more than 5 decibels above the LA90, T

## WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

background noise level at the locations in the table below, or any other noise sensitive location beyond the racecourse boundary. Furthermore, the equivalent L<sub>Ceq</sub>,15 min level of amplified sound assessed under free-field conditions shall not exceed the values at the locations in the table below, or any other noise sensitive location beyond the racecourse boundary

Location	Representative LA <sub>90</sub> ,15 min background noise level (dBA) – Day time (0700 to 2300 hrs)	L <sub>Ceq</sub> ,15 min dB
Mandarin Drive	45	62
Executive Homes	46	66

Reason: To protect occupiers of surrounding residential properties against unreasonable noise levels generated by the event and to ensure a good standard of residential amenity and to ensure the on-going management of noise from the permitted activities. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 8. Plant Noise

The BS 4142:2014 rating level of noise from plant and machinery shall not exceed a value more than 5 decibels above the LA<sub>90</sub>, T background noise level at the locations in the table below, or at any other nearest noise sensitive receptor:

Period	Modal LA <sub>90</sub> , 15min (dB)		
	Mandarin Drive	Executive Homes	Lamtarra Way
Daytime	45	45	41
Night time	39	39	32

Reason: To protect occupiers of surrounding residential properties against unreasonable noise levels generated by the event and to ensure a good standard of residential amenity and to ensure the on-going management of noise from the permitted activities. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 9. Shuttle bus service

Prior to the first day of operation of the Carnival event, details of the shuttle bus service to be provided shall have been submitted to and approved in writing by the local planning authority.

- a) The shuttle bus service shall be provided for all events in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
- b) A shuttle bus should be operational from the town centre and rail station whilst the Carnival is operational for the first 10 days of the carnival (when not racing).
- c) The details of the shuttle bus shall include timetables and publication strategy of the timetables.

## WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

- d) A review mechanism of the level of demand after those first 10 days and contingency plans shall be submitted and approved in writing by the local planning authority.

The development hereby approved shall not be brought into use until confirmation of how the requirements of points (a),(b) and (c) above are delivered has been submitted and approved in writing by the Local Planning Authority.

The shuttle bus service shall thereafter be implemented and kept available for use at all times during the event period. If provision of the shuttle bus service is terminated, alternative arrangements shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development is provided with adequate travel provisions, in order to reduce reliance on private motor vehicles and 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 TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **10. Combined racing and carnival ticket on racedays**

The carnival event hereby permitted shall only be accessed with a combined racing and carnival ticket for the two busiest racedays (25th and 26th November 2022), unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is provided with adequate parking facilities and adequate travel provisions, in order to reduce reliance on private motor vehicles and 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 TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **11. Temporary cycle parking**

The carnival event's temporary cycle parking shall be implemented in accordance with the cycle parking plan drawing No SK46 received on 23 May 2022.

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).

### **12. No concerts during the four racedays**

No concerts shall take place during the four racedays covering the period of the Carnival event hereby approved, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is provided with adequate parking facilities and adequate travel provisions, in order to reduce reliance on private motor vehicles and 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 TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

The additional conditions are outlined below:

### **13. Access and parking provision details**



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The use hereby permitted shall be implemented as per the details submitted regarding the direction of all traffic accessing the event and traffic management as approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved details shall be implemented in full during the event in accordance with the approved plans.

Reason: To ensure the efficient function of the event, promote sustainable forms of transport, promote highway safety and provides the appropriate level of vehicle parking and traffic mitigation. The Public Transport Plan details were not finalised at the time of determining the application. This condition is applied 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).

### **14. Vehicle parking**

The use shall not commence until details of the vehicle parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the tarmac or reinforced turf circulation roads, along with improvements ensuring accessibility during the winter months when the carnival will take place. The use shall not commence until the vehicle parking and turning areas have been provided in accordance with the approved details. The parking and turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) during the course of the event.

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 applied 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).

### **15. Travel Plan**

The use hereby permitted shall not commence until a final Public Transport Plan has been submitted to and approved in writing by the Local Planning Authority. The Public Transport Plan shall include details of how public transport for event goers will be managed from Newbury Town Centre and Newbury Rail Station to the event. The details shall include timetables and frequency of the public transport service. Thereafter the Public Transport Plan shall be implemented in full during the event in accordance with the approved plans.

Reason: To ensure the efficient function of the event and promote sustainable forms of transport and promote highway safety. The Public Transport Plan details were not finalised at the time of determining the application. This condition is applied 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).

### **16. Post event Transport Assessment and Travel Plan**

With the submission of any further planning application for any further Christmas carnival events, a post event Transport Assessment and Travel Plan shall be submitted. The submissions will detail how the event proceeded and how improvements can be made going forward. The areas to be considered should include:

- Details of traffic volumes and visitor numbers per day
- Servicing and deliveries

## WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

- Traffic management internally and within entrances to the site
- Signage strategy
- Impact and combination with other uses within the site such as race meetings and other events
- Travel Plan including mode share data

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking and traffic mitigation. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Local Transport Plan 3.

### 17. Sustainable drainage measures

No development shall take place until details of a flood risk assessment and sustainable drainage measures to manage surface water during construction, carnival operation and post event have been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage measures shall be informed by the outcome of the flood risk assessment and shall include a schedule of works to take place for their implementation.

A pre-commencement 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.

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 (2006) and SuDS Supplementary Planning Document (2018).

### 18. Construction method statement (CMS)

No development, including set up and breakdown of the event shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction works, including set up and breakdown of the event 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 set up and breakdown of the event works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Hours of deliveries and preferred haulage routes;
- (d) Loading and unloading of plant and materials;
- (e) Hours of construction work;
- (f) Storage of plant and materials used in constructing the development;
- (g) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (h) Temporary access arrangements to the site, and any temporary hard-standing;
- (i) Wheel washing facilities;

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- (j) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (k) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is 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 precommencement condition is required because the CMS must be adhered to during all demolition and construction operations.

### 19. Generator use

The generators to be used in the use hereby permitted shall not be first used until details of the generator acoustic shielding have been submitted and approved in writing by the Local Planning Authority. The approved generator acoustic shielding details shall thereafter be retained for the entire duration of the event's operation.

Reason: To protect occupiers of surrounding residential properties against unreasonable noise levels generated by the event and to ensure a good standard of residential amenity and to ensure the on-going management of noise from the permitted activities. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### Informatives

#### Approach of the LPA

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

#### Traffic management and car park use

The traffic for each of the event days should be managed and operated so as to ensure that Car Park 5 is only used once Car Park 4 is full.

*(The meeting commenced at 6.30 pm and closed at 8.53 pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	22/01556/HOUSE Newbury TC	23/08/2022	Proposed single storey rear extension replacing existing PVCu conservatory and single storey rear kitchen extension  11 Valley Road, Newbury, RG14 6ET  Mr and Mrs Brian Conlon

<sup>1</sup> Extension of time agreed with applicant until 02 September 2022

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01556/HOUSE>

**Recommendation Summary:** To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8 of the report)

**Ward Member(s):** Councillor David Marsh  
Councillor Tony Vickers  
Councillor Adrian Abbs

**Reason for Committee Determination:** Applicant is Council Employee

**Committee Site Visit:** 25 August 2022

## Contact Officer Details

**Name:** Patrick Haran  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Patrick.haran1@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for a single storey rear extension to replace an existing PVCu conservatory and a single storey rear kitchen extension.
- 1.2 The application site is a semi-detached two-storey house, which lies in a large established residential estate within Newbury. The street scene comprises a mix of detached and semi-detached properties and there is a strong building line to both sides of the road. The properties generally have large back gardens which are well enclosed. The existing building incorporates an integral garage and is set off the southern (side) boundary allowing for access to the rear.
- 1.3 The proposal is to replace an existing conservatory to the rear of the property and to extend the existing rear wall out to form a new rear building line marginally to the rear of the existing conservatory, effectively squaring off the rear elevation at ground floor level. The proposal would have a mono-pitched lean-to roof with four rooflights inserted with the roof rising slightly higher than the existing garage roof when viewed from the street.
- 1.4 The existing internal space is somewhat convoluted and the proposal includes for the removal of some internal walls to provide for an open-plan kitchen/living area with patio doors leading onto an existing terrace and with an existing window reinserted to the new rear wall. Further to this, an existing window on the side elevation would be replaced with a new door and a new 'dwarf' wall would be erected partially along the frontage to match that at the adjoining property, No. 9.

## 2. Planning History

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

Application	Proposal	Decision / Date
07/01545/HOUSE	Conservatory at rear	Approved 31/08/2007

## 3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 A site notice was displayed on 28 July 2022 at the application site; the deadline for representations expired on 19 August 2022.
- 3.3 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### ***Statutory and non-statutory consultation***

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

<b>Newbury Town Council:</b>	No objection
<b>WBC Highways:</b>	No objection

### ***Public representations***

4.2 No representations have been received.

## 5. Planning Policy

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

- Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Impact on Character of the Area
- Impact on Residential Amenity

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

6.2 The site is within the defined settlement boundary of Newbury, where the principle in favour of development is established, subject to an assessment against relevant Development Plan policies.

## ***Character and appearance***

- 6.3 The NPPF states, among other things, that planning should always seek to secure high quality design. In line with that, Policy CS14 of the Core Strategy seeks to ensure that new development demonstrates high quality and sustainable design which respects and enhances the character and appearance of the area whilst Policy CS19 seeks to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.4 In this case, the application site is situated within the urban area of Newbury and the application seeks permission for a relatively small single storey rear extension, effectively replacing an existing conservatory and extending the existing rear wall out to form a new rear building line, marginally to the rear of the existing conservatory. From a search of local planning histories it is clear that this is a relatively common form of extension in the area and it is noted that the House Extensions SPD recognises that extensions to the rear are the least likely to have a major impact on the house and surroundings.
- 6.5 The back garden is well enclosed with a 1.8m high close boarded fence to the boundaries and whilst there would be some views of the extension when passing along the street where the monopitch rises slightly higher than the existing flat-roofed garage, they would be very limited, given the relatively small scale of the proposal and of no significant material consequence in terms of the visual quality of the street scene.
- 6.6 Materials to be used are indicated on the application form and submitted plans, as white rendered blockwork with uPVC windows and doors and a single ply grey roofing material. Whilst the existing walls are of red brick the use of white render in the extension is not considered to cause any material harm and is acceptable given the single storey nature of the proposals to the rear of the site.
- 6.7 In officers' opinion, the design and scale of the proposal is considered proportionate and in keeping with the original property and it is not considered that the proposal would be detrimental to the overall character of the host dwelling or the area generally and would be appropriate in terms of location, scale and design.

## ***NEIGHBOURING AMENITY***

- 6.8 With regard to the impact on neighbour amenity, Policy CS14 of the West Berkshire Core Strategy seeks all development to have a positive impact on quality of life in the district. Conversely, developments that have a negative impact on quality of life would not accord with the policy. In terms of house extensions or alterations and their impact on amenity, SPG 04/2: House Extensions, identifies loss of light (natural and direct), overshadowing, overbearing and loss of privacy as the issues of primary concern.
- 6.9 There are similar extensions to the rear of other properties in the local area and it is considered reasonable to suggest that they can generally be accommodated without causing undue harm to the adjoining properties. In this case, the existing conservatory has a solid wall presenting to the neighbouring property to the north, No. 9, and the slightly increased depth compared to the existing situation, is not considered to significantly exacerbate existing impacts on that property.
- 6.10 To the south of the site, No. 13 has a single storey side extension and a two storey rear extension approved by virtue of application reference 05/00220/HOUSE and the extension proposed here would not extend beyond the rear wall of that property. There are allotment gardens to the rear of the site and therefore no amenity impacts would arise from that aspect.



- 6.11 Details of guttering are not shown on the submitted plans but the applicant has indicated through correspondence that it is likely a box gutter will be incorporated such that the works can be contained within the application site / land in the ownership of the applicant. Whilst this may not necessarily be a planning matter, it is considered that an informative on the decision notice should advise the applicant that planning permission does not afford any rights to undertake works outside the site boundary.
- 6.12 Having regard to the above, it is considered that the proposal accords with relevant Development Plan policies which seek to ensure that there is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties arising from new development.

## 7. Planning Balance and Conclusion

- 7.1 Having taken account of all relevant policy considerations and the material considerations referred to above, it is considered that the development proposed is acceptable and appropriate and approval is justifiable. It is not considered that this proposal would demonstrably harm the amenity of adjoining residential properties or the character of the area and therefore accords with guidance contained within the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and supplementary planning guidance.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

### Conditions

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>LOCATION PLAN BLOCK PLAN DRWG 000863/01 EXISTING PLANS AND ELEVATIONS DRWG 000863/02C PROPOSED PLANS AND ELEVATIONS (all received 28/06/2022)</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>

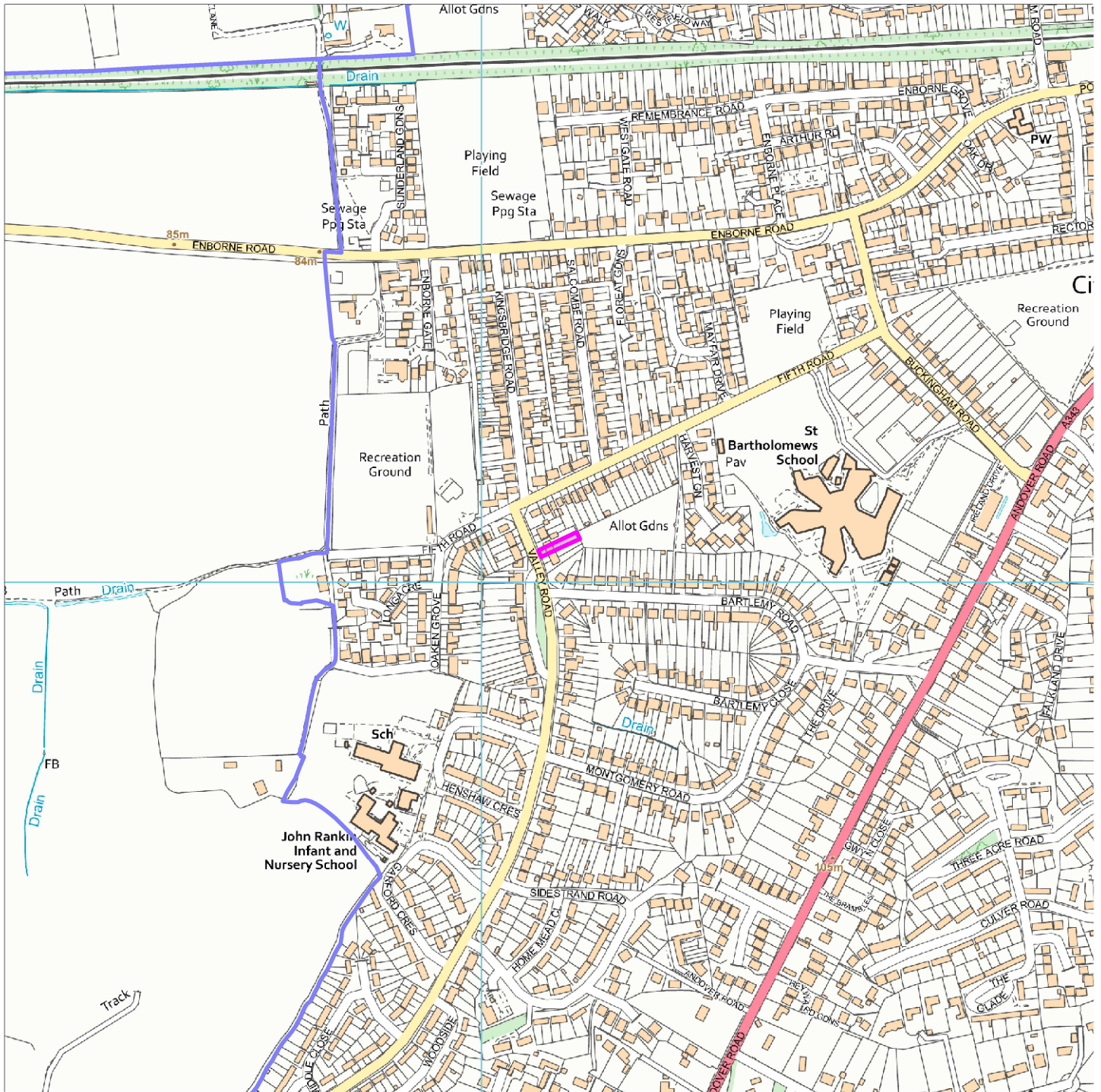
### Informatives

1.	Proactive
2.	Party Wall Act
3.	Works within red line site ownership

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22/01556/HOUSE

11 Valley Road, Newbury RG14 6ET



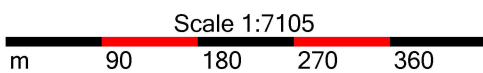
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	17 August 2022
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	22/01643/TELE56 Newbury	01/09/2022 <sup>1</sup>	Application to determine if prior approval is required for a proposed: Development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network in, on, over or under land controlled by that operator or in accordance with the electronic communications code - The installation of a new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.  Junction of Stoney Lane and Turnpike Road  Newbury  Hutchinson 3G UK Limited

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01643/ TELE56>

**Recommendation Summary:** To grant approval of the siting and appearance

**Ward Member(s):** Councillor Jeff Beck  
Councillor Jeff Cant

**Reason for Committee Determination:** 5 or more objections on Council owned land.

**Committee Site Visit:** 25<sup>th</sup> August 2022

## Contact Officer Details

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

## **1. Introduction**

- 1.1 This application is seeking a determination whether prior approval under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 16, Class A as amended is required for the siting of a new 15 metre high monopole to support antenna, together with radio equipment housing and ancillary development.
- 1.2 The application site is within the pedestrian footway, which forms part of the junction between Turnpike Road and Stoney Lane. The application site is on the north-western section of the junction, with the proposed monopole mast being proposed to be sited against the footway edge. The area around the site is primarily residential with a mix of bungalows and two storey dwellings.
- 1.3 The proposal is for a monopole with an overall height of 15 metres, which includes the antennas at the top of the pole. The policy is proposed to be light grey. In addition to the pole, three cabinets are also proposed one is 1.75 metres high, one at 1.6 metres high, and the third is 1.15 metres high. The cabinets are also proposed to be grey. The pole and ancillary cabinets are considered to be permitted development, and so approval is being sought for the siting and appearance of the development.

## **2. Planning History**

- 2.1 There have not been any previous applications on the site.

## **3. Procedural Matters**

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 The application was advertised by means of a site notice displayed on 21<sup>st</sup> July 2021 at the site; the deadline for representations expired on 11th August 2021.
- 3.3 The proposal does not fall within a use class of development for which Community Infrastructure Levy (CIL) is liable.

## **4. Consultation**

### ***Statutory and non-statutory consultation***

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

<b>Newbury Town Council:</b>	This should require a full planning application.  The mast does not comply with the Code of Practice for Wireless Network development in England (DCMS 2022) or the NPPF. The light grey colour is out of character with the surrounding area, harming visual amenities, and should be green (or more camouflaged) and the harmful visual impact of the cabinets should be mitigated (potentially by fencing).
<b>WBC Highways:</b>	No objections
<b>Environmental Health</b>	No objections

### ***Public representations***

4.2 Representations have been received from 5 contributors, 0 of which support, and 5 of which object to the proposal.

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

- Overbearing
- Not in keeping with surroundings, 3 times taller than surrounding bungalows, twice the height of the lamp post.
- Distraction to road users
- Obscure sight lines exiting Stoney Lane
- Dangerous location during installation and maintenance
- Detrimental to visual amenities of nearby residential properties
- Impact on health
- Other sites particularly the nearby industrial sites would be more appropriate, with similar coverage
- Devaluation of property
- Increased risk of lightning strikes
- Cabinets will attract graffiti
- Other mast sites generate and unacceptable consistent and noisy hum.
- Shadowing to the adjacent residential property
- Difficult to maintain boundary
- Does not comply with Code of Practice for Wireless Network Development in England
- The colour should be green not grey
- There should be fencing to disguise the cabinets

## **5. Planning Policy**

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

- Policies ADPP1, ADPP2, CS13 CS14, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Newbury Town Design Statement (2018)

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- The principle of the proposal
- Siting and appearance of the development

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

6.2 The proposal is considered to be permitted development by virtue of the provision of The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 16, Class A as amended, which allows for the installation of a new mast up to 20 metres in height, the current proposal is for a mast of 15 metres in height. This establishes that the principle of the mast is acceptable, and this application is seeking a prior approval of the siting and appearance of the mast. Chapter 10 of the NPPF sets out the national policy for telecommunications, and paragraph 114 says that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Paragraph 118 says that planning authorities should not question the need for the electronic communication system, prevent competition between operators or set health safeguards which are different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP). A certificate has been submitted with the application to confirm that the proposal would conform with the ICNIRP guidelines. The matters for consideration in this application are whether the siting and appearance of the mast is acceptable.

### ***Siting and appearance***

6.3 Policy CS14 requires development to demonstrate high quality and sustainable design, and goes on to say that good design relates not only to the appearance of development, but the way it functions, and that considerations of design and layout must be informed by the wider context. The proposal is to locate the mast on a corner site where there is a wider footpath, which includes spaces to accommodate the ancillary equipment cabins, as well as being within a location that will provide enhanced network coverage, including 5G to the surrounding area. The supplementary information submitted provided alternative locations which were considered to site a mast, however these were discounted due to technical concerns, and proximity to visibility splays at road junctions. The Highways Officers have not raised any objections to the location of the mast at the application site. The proposed location, whilst on a prominent road within the residential area will be set back within the street scene. There have been objections about the siting within the residential area, rather than the nearby industrial areas. However, the supplementary information provided has indicated that the mast is required to provide increased coverage to users within their homes, and in response to the changes to home and hybrid working. A concern has been raised about the ability to maintain property due to the proximity of the equipment to a boundary, however, this would be a private matter between the parties involved.



- 6.4 The application is proposing a 15 metre high monopole mast with antenna at the top. This is a slim-line design, and the applicants have indicated that this is the slimmest mast available, and so has been designed to limit the visual impact. The permitted development rights are applicable to masts up to 20 metres in height, and so the developer has not utilised the full rights in this instance. The proposed mast will be taller than the surrounding trees, which have been indicated as being 11 metres in height. There have been objection to the appearance of the mast within the street scene, due to its height and appearance. It is acknowledged that it will be visible, and there is a functional requirement for it to be taller than the trees. Within this location, some of the views of the pole itself will be filtered by the trees. The pole is also close to existing lamp posts, which are 6 metres in height. The mast will be visible within Turnpike Road, and from residential properties and surrounding streets. However, the mast has been designed to be as slim as is technically feasible, to minimise the visual impact as far as possible. The mast is proposed to be light grey, which is similar to the surrounding lamp posts. Whilst a concern has been raised about this colour, and suggestion that green would be a more appropriate give the colour of the existing street furniture, then this may be the most appropriate colour, as the headframe would also be grey against the backdrop of the sky. Whilst cabinets are often green, given the grey mast, it would seem appropriate for all equipment to be the same colour. The monopole mast will be visible, however, the siting is such that some of the pole will be filtered in views from the north and east, the colour and design are such that the visual impact has been minimised, and whilst visible it will be appropriate within the street scene. It has been suggested that the cabins are screened by fencing. However, this would increase the amount of development, and take up further space within the footway which would further reduce the amount of available footway for pedestrians.

### ***Other Matters***

- 6.5 There have been objections raised about the safety implications form potential radiation. There have been no objections to the proposal from Environmental Health, and the NPPF makes very clear in paragraph 118 that planning decisions can only be made on planning grounds, and that planning authorities should not set health safeguards which are different form the ICNRP guidance. There was also a concern about low level humming from the mast, again Environmental Health have not raised any objections to the proposal. There issues of potential graffiti was also raised, as we a as potential devaluation of property and potential for lightning strikes. However these are not matters for consideration of this application for prior approval of the siting and appearance of the mast.
- 6.6 There was an objection raised that the application does not comply with the Code of Practice for Wireless Network Development in England. This is not planning guidance but a code of guidance which sets out guidance for Mobile Network Operators, planning authorities and stakeholders for carrying out their roles and responsibilities when installing wireless network infrastructure. The application has been submitted with the Supplementary Information Form as recommended by the guidance, which sets out consideration of over sites, masts or the use of buildings, and measures to mitigate the appearance of the development, and any pre-application consultation. It is considered that the applicant has discharged their obligations under this guidance.

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

- 7.1 The application is seeking a determination of whether prior approval is required for the siting and appearance of the monopole mast, under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 16, Class A as amended. The location which is being proposed does not raise any objections from the Highways Officers with regards to pedestrian and highway safety.

It is located close to a road junction, also close to trees which will provide some element of screening, as well as being set back from the main road edge to minimise the visual prominence. The mast at 15 metres in height will be evident in the street scene and from surrounding residential properties and nearby streets. However the colour and degree of screening, and design are such that whilst visible will not be harmful. The proposal is required to provide additional 5G connectivity which is considered to be important for economic and social wellbeing. Whilst the mast will be evident within the street scene, there will be additional benefits to residents from improved signal strength and 5G provision, as encouraged by the NPPF and which will outweigh the harm from caused by the visual prominence of the mast. The details of the siting and appearance are considered to be acceptable.

## 8. Full Recommendation

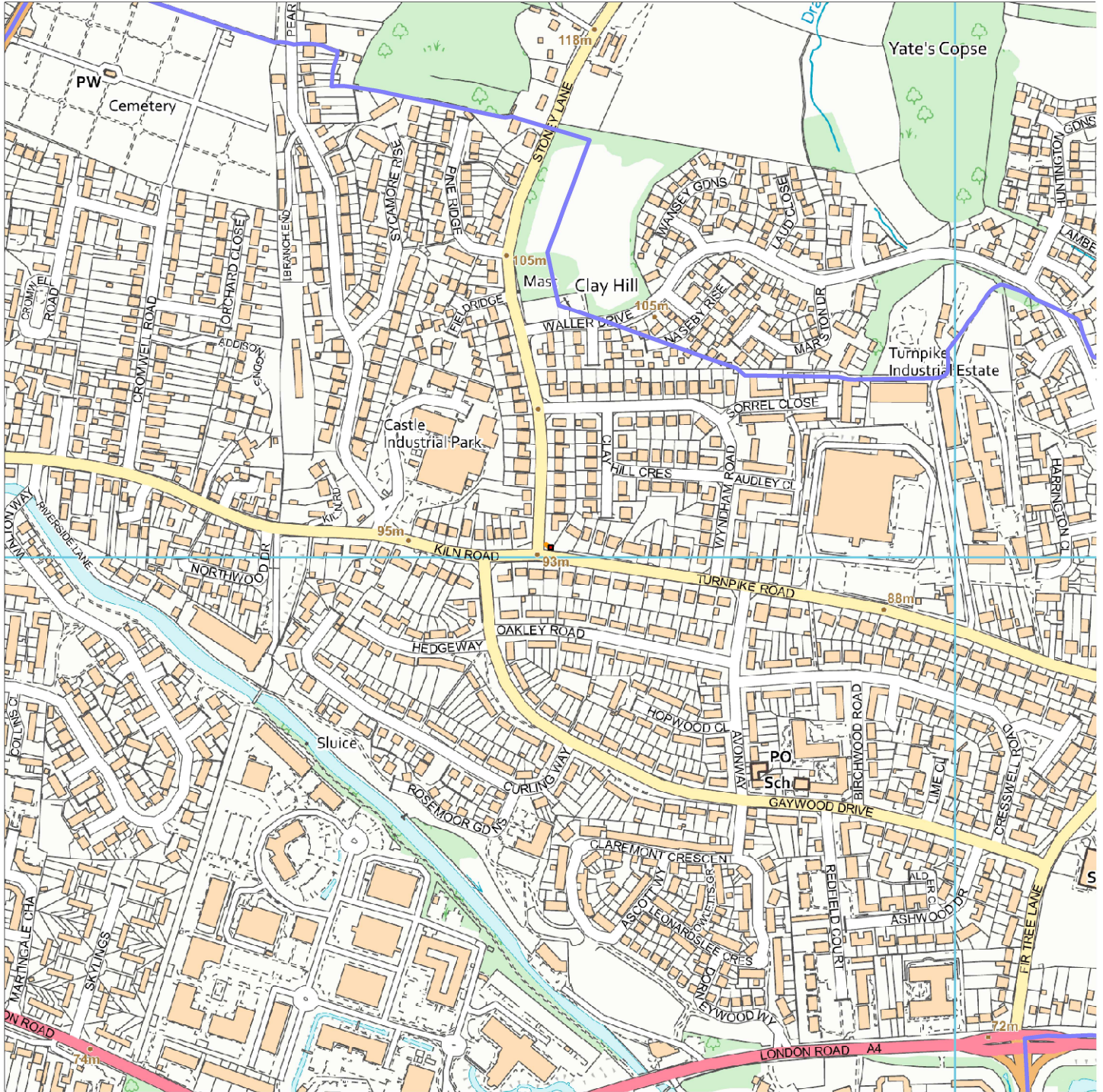
- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PRIOR APPROVAL OF THE SITING AND APPEARANCE subject to the conditions listed below.

### **Conditions**

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be carried out no later than the expiration of 5 years beginning with the date on which the approval was given.</p> <p>Reason: To accord with Paragraph A.3(11(a)) of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Site Location Plan Drawing No WBE21726_WBE166_86360_RG6915_GA_REV A received on 8<sup>th</sup> July 2022;  Proposed Site Plan Drawing No WBE21726_WBE166_86360_RG6915_GA_REV A received on 8th July 2022; and  Proposed Site Elevation Drawing No WBE21726_WBE166_86360_RG6915_GA_REV A received on 8th July 2022;</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Removal of Apparatus</b></p> <p>Any electronic communications apparatus or structure shall be removed from the land, building or structure on which it is situated as soon as reasonably practicable after it is no longer required for electronic communication purposes. The land or building shall be restored to its condition before development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.</p>

	Reason: To comply with Paragraph A.2(2) of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
4.	<p><b>Materials</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>

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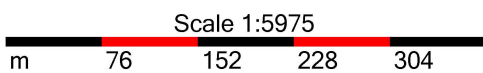
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	17 August 2022
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	21/03083/COMIND Lambourn	10 March 2022 <sup>1</sup>	Change of use of land to Class B8  Land Adjacent To M4 Membury Airfield Road Known As Ramsbury Road Lambourn Woodlands Hungerford West Berkshire  Putnam Properties Ltd

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/03083/COMIND>

**Recommendation Summary:** To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.2 of the report)

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

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

**Committee Site Visit:** 25 August 2022

## Contact Officer Details

**Name:** Jake Brown  
**Job Title:** Principal Planning Officer  
**Tel No:** 01635 519111  
**Email:** jake.brown@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for the change of use of land use Class B8 (storage and distribution).
- 1.2 The application site is located to the west of Ramsbury Road, immediately adjacent to, but not within, the designated Protected Employment Area of Membury Airfield Industrial Estate. The application site lies within the North Wessex Downs Area of Outstanding Natural Beauty.
- 1.3 The application documents submitted advise that the site will be occupied by the applicant as a storage depot for their groundworks contracting business.

## 2. Relevant Planning History

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

Application	Proposal	Decision / Date
18/01092/FUL	Change of Use of land to Use Class B8.	Approved 26/07/2018
16/02116/OUTMAJ	Outline application for the erection of three units for research and development and associated facilities - matters to be considered - access and layout.	Approved 16/11/2016
21/01809/COND1	Application for approval of details reserved by conditions 2 (landscaping), 3 (ground levels), 6 (surface arrangements), 7 (access), 8 (vehicle parking and turning), 9 (cms) and 10 (cycle parking/turning) of approved 18/01092/FUL - Change of Use of land to Use Class B8.	Cannot be determined 08/09/2021
20/02892/SCREEN	EIA Screening Opinion Request for the proposed Asphalt Batching Plant (Class B2).	Not EIA Development

- 2.2 It is important to note that permission for the same use at the same site was granted in 2018 (ref: 18/01092/FUL) as detailed above. Matters reserved by conditions attached to that permission were submitted for approval (ref: 21/01809/COND1). However, as permission 18/01092/FUL had expired and the development had commenced without lawfully complying with those conditions, that application could not be determined. As a result, this application seeking permission for the same development previously granted has been submitted.

## 3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10(a) (Industrial estate development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017. 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 those Regulations.

- 3.2 However, an EIA screening exercise has been undertaken taking into account the selection criteria in Schedule 3 of the regulations which concluded 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. This is consistent with a formal EIA Screening previously undertaken for a development that is considered to have the potential for greater impact (ref: 20/02892/SCREEN for proposed Asphalt Batching Plant).
- 3.3 A site notice was displayed on 7 January 2022 and the deadline for representations expired on 28 January 2022. A press notice was advertised in the Newbury Weekly on 16 December 2021.
- 3.4 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL is only charged on residential and retail development. The proposed development would not require any financial contributions to be made in respect of the Council’s Adopted CIL Charging Schedule. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Lambourn Parish Council:</b>	<p>Object:</p> <ul style="list-style-type: none"> <li>• Traffic Impact and unsustainability issues: Highways recommended that planning permission not be granted at this time, due to the impact on the Strategic Road Networks. The Parish Council have serious concerns in relation to the impact that this development will have on the local rural road networks, as recent developments in this area now impact on the surrounding villages if there are problems on the B4000, Ermin Street or the M4 road networks.</li> <li>• There has been much development on the Membury Industrial Site in the past three years, West Berkshire Council (WBC) need to undertake an urgent cumulative impact assessment of the site before granting any further planning applications in this area.</li> <li>• In addition to examining the Critical Infrastructure, which has been impacted by the industrial growth in the area.</li> <li>• The site sits outside the Protected Employment Area, within the AONB.</li> <li>• We urge WBC to conduct an Environmental Impact Assessment on the site as these have not been undertaken to date, due to the Salami slicing of land parcels.</li> </ul>
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	<ul style="list-style-type: none"> <li>WBC's Consultants report that informed the Local Development Plan, clearly states that there is no need for more industry in this part of West Berkshire (Stantec).</li> <li>The Swept Path Analysis does not stop traffic entering or exiting this site from blocking Emergency Vehicle Access to or from the Motorway Access Road.</li> </ul>
<b>WBC Highways (1st response):</b>	No objections, request conditions as per previous permission.
<b>WBC Highways (2nd response):</b>	No objections to amended conditions proposed following receipt of additional information.
<b>National Highways (1st response):</b>	Holding objection.
<b>National Highways (2nd response):</b>	No objections, request informative advising of land ownership.
<b>Archaeology:</b>	No objections.
<b>Environment Agency:</b>	No comments.
<b>Ecology Officer:</b>	No response received.
<b>Lead Local Flood Authority (LLFA):</b>	No response received.
<b>Environmental Health:</b>	No response received.
<b>Thames Water:</b>	No response received.
<b>Ramblers:</b>	No response received.

### ***Public representations***

- 4.2 Representations have been received from 26 contributors, 5 of which support, and 21 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised objecting to the development proposed:
- Impact on AONB;
  - Increase in HGV traffic;
  - Noise impact;
  - Impact on highway safety and vehicles blocking emergency access road to M4;
  - Loss and harm to trees;

- Impact on rural character and appearance of the area;
- Located outside of designated Protected Employment Area;
- Over industrialisation of Membury Area;
- Impact on Local and Strategic Road Network (SRN);
- Lack of public transport to site;
- Cumulative impact with other developments;
- Requires EIA;
- Light pollution;
- Air pollution;
- Impact on neighbouring amenity;
- Impact on ecology and biodiversity;
- Pollution of aquifer impacting River Lambourn and Kennet;
- Topsoil and vegetation has already been removed;
- Unsustainable location;
- Lack of notification to landowner;
- Structural impact of HGVs on neighbouring properties;
- Set a precedent for future applications;
- Inadequate electrical infrastructure;
- Lack of surface water drainage strategy.

4.4 The following issues/points have been raised supporting the development proposed:

- Improvement in appearance of area;
- Additional trees and vegetation providing biodiversity benefit;
- Would bring employment and jobs to the area;
- Site already surrounded by existing industrial area, services and M4 motorway;
- Site is maintained in a tidy state;
- Support for local business and growth;
- Good location for distribution;
- Site previously used as a dumping ground;
- No negative impact on neighbouring businesses or businesses in the local area;
- Good location for development.

## 5. Planning Policy

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

- Policies ADPP1, ADPP5, CS5, CS9, CS10, CS13, CS14, CS16, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development;
- Character and appearance and AONB;
- Highway matters;
- Ecology;
- Sustainable drainage;
- Neighbouring Amenity.

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

6.2 Policy CS9 allows for new employment generating schemes adjacent existing Protected Employment Areas (PEAs). This site is one such case. As determined in the previous permission for the same development (change of use to B8, ref: 18/01092/FUL), the principle of the development is therefore acceptable.

### ***Character and appearance and AONB***

6.3 As considered in the previous permission granted, the proposed change of use is not considered to harm the character and appearance of the area or AONB subject to securing appropriate landscaping.

6.4 This application is accompanied by a Landscape and Visual Appraisal (LVA) which concludes that the site is currently degraded land and with suitable mitigation in the form of new and additional supplementary planting on the site's boundaries, any localised adverse effect would be adequately addressed.

6.5 A planting scheme is detailed in the LVA similar to that previously submitted under application 21/01809/COND1 to which the Tree Officer advised was considered to form a comprehensive planting scheme and raised no objections.

6.6 Subject to the same conditions imposed by the Council for the previous permission - to agree ground levels, limit the maximum height of storage to 4 metres and implement the proposed planting scheme - it is considered that the development proposed would be acceptable in respect of the impact on the character and appearance of the area and AONB.

### ***Highway matters***

6.7 The Local Highway Authority (LHA) Officer has reviewed the application and raises no objections subject to conditions to secure the implementation of details previously sought by condition which have now been submitted as part of this application.

6.8 Matters regarding access, trip generation, highway safety and movements were considered under the previous approval and as per the previous permission, the LHA have raised no issues in respect of this application for the same development.

6.9 National Highways have confirmed, following a detailed review of the application and discussion with the applicants, that they have no objections to the proposal and its impact on the SRN.

6.10 Therefore the development is not considered to run contrary to development plan policies in respect of highway matters.

- 6.11 Representations received raise concern with HGVs blocking the emergency access road to the M4 motorway service area. That road is owned by National Highways and permission for the use of that road will need to be sought separately by the applicant from National Highways. However, that is a civil matter and not a consideration for this planning application but should that road be blocked by vehicles either accessing the application site, or other sites along this road, National Highways are responsible and have powers to ensure that does not occur. Moreover, suitable access to the application site has been proposed with a suitable pull in area to reduce any instances of vehicles stopping on the access road. As such, the likelihood of vehicles blocking the access road to the motorway service area is considered to be very limited.

### ***Ecology***

- 6.12 No issues were raised in respect of ecology and biodiversity for the previous permission granted. An updated Ecological Appraisal has been submitted which concludes that there will be an improvement in biodiversity subject to securing the measures set out in the appraisal, including the proposed landscaping scheme. Those measures can be adequately secured by conditions.

### ***Sustainable Drainage***

- 6.13 The site is not located within Flood Zones 2 or 3. An area at risk from surface water flooding is located east of the application site, approximately 130 metres from the site at the junction with Ramsbury Road.
- 6.14 No response from the LLFA has been received. As noted in the submitted design and access statement, a site infiltration test has been undertaken which demonstrates good infiltration potential for the disposal of surface water on the site, such that the proposed development will not give rise to flood risk elsewhere.
- 6.15 It is proposed that the site will be surfaced with road planings to provide a permeable hardstanding which the applicant considers is consistent with the previous permission considered and granted by the Council. The submitted design and access statement also advises that from earlier conversations from the West Berkshire Council's Land drainage engineer that flooding events have occurred on the service Road near to the junction with Ramsbury Road.
- 6.16 However, road planings and MOT Type 1 are not permeable. Therefore, insufficient details have been provided to ensure that surface water will be managed in a sustainable manner. As it is considered that suitable sustainable drainage can be achieved within the site, a condition is proposed requiring such details prior to the laying of any hardstanding.
- 6.17 Subject to securing those measures, it is considered that the proposal will not give rise to any concern in respect of surface water flooding.

### ***Neighbouring amenity***

- 6.18 Representations received raise concerns in respect of noise, light and air pollution and the impact on neighbouring amenity. No response to this application has been received from the Environmental Health officer.
- 6.19 Such issues would have been considered in the determination of the previous approval and the use of the land for the storage and distribution is not considered to give rise to any significant concerns regarding noise and air pollution. Light pollution can be adequately controlled by condition, particularly as the site is located within the AONB

where dark skies are to be protected (noting that some light pollution may already exist from the nearby motorway services).

- 6.20 The nearest neighbouring residential property is located some 350 metres south-west of the application site. The proposed change of use is not considered to introduce any significant detrimental impact on the amenity of this residential property. In respect of the neighbouring properties adjacent to the application site, those are industrial/storage uses and the proposed change of use of the application site is not considered to introduce any significant detrimental impact on the amenity of those immediate neighbouring properties.

## 7. Planning Balance and Conclusion

- 7.1 The NPPF states there is a presumption in favour of sustainable development, which paragraph 8 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 7.2 The proposal is considered to contribute to economic development in the long term weighing in significantly favour of granting permission. The environmental considerations have been assessed in terms of design, amenity and impact on the area as well as surface water flooding and ecology and are considered acceptable. Social considerations overlap those of the environmental in terms of amenity and are considered acceptable. Having assessed the application in terms of design, impact on the area, highways, ecology and impact on neighbouring amenity the development is considered to be represent sustainable development.
- 7.3 It is acknowledged that objections have been received from the public and Parish Council. However, it is considered that the objections have been satisfactorily addressed throughout this report and the previous permission granted is a material consideration of significant weight in favour of the proposal.
- 7.4 No material changes in planning policy have occurred since the previous permission for the same development at the same site was granted. It is acknowledged that other developments in the nearby area (Membury Industrial Estate) have been also been granted since that previous permission (such as land south of Tower Works, ref: 19/02979/OUTMAJ; and land immediately opposite the application site (south), ref: 20/00562/COMIND). However, the cumulative impacts of those alongside this permission sought are not considered sufficient to give rise to any concerns.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1.	<b>Commencement of development</b>  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).
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2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan, drawing number PUT/002 Rev A received on 7 December 2021;  Landscaping Plan, drawing number WHL-1361-05 received on 7 December 2021;  Entrance Surfacing Plan, drawing number PUT/003 received on 9 December 2021;  Swept Path Analysis Plan, drawing number JG02 received on 9 December 2021;  Block Plan, drawing number PUT/001 Rev B received on 16 May 2022;  Existing Levels, drawing number SU00485- SHT01 received on 17 August 2022.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Sustainable Drainage</b></p> <p>No hardstanding shall be laid within the site until details of the hardstanding material, including cross sections drawings, demonstrating provision a permeable surface to ensure that no surface water is shed from the site on to the unnamed road have been submitted to and approved in writing by the Local Planning Authority and implemented in full in accordance with the approved details. The hardstanding shall be maintained in accordance with the approved details thereafter and no other hardstanding shall be laid within the site.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Sustainable Drainage Systems (December 2018).</p>
4.	<p><b>Soft Landscaping</b></p> <p>All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme (LVA dated November 2021 and drawing number WHL-1361-05 received on 7 December 2021 and the General Notes for Soft Landscaping received on 9 July 2021) within the first planting season following completion of building operations / first use of the site (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.</p> <p>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.</p>
5.	<p><b>Ecology</b></p> <p>The mitigation measures described in the Ecological Appraisal created by Aluco Ecology Ltd dated January 2021 shall be implemented in full (except for landscaping, the timing of which is defined in condition 5) before the use hereby approved is brought into first use and the measures shall thereafter be retained. This measures include (but not limited to):</p>

	<ul style="list-style-type: none"> <li>- carrying out works on any woody vegetation at an appropriate time of year, usually considered to be between September to February unless the area is checked by a suitably qualified ecologist beforehand;</li> <li>- trenches in excess of one metre in depth should be covered or secured and a means of escape provided for any animal that does fall in (a suitable escape can be provided by wooden planks placed at a 45 degree angle);</li> <li>- any temporarily exposed open pipe system should be capped in such a way as to prevent Badgers gaining access;</li> <li>- chemicals and fuels should be stored carefully and as far away from any setts and badger paths as possible, and in accordance with the Code of Construction Practice;</li> <li>- updated badger survey where works have not commenced within 12 months;</li> <li>- provision of bird boxes, bat boxes located by a suitably qualified ecologist.</li> </ul> <p>Reason: To ensure the protection of species and habitats, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
6.	<p><b>Maximum Height of Storage and Ground Levels</b></p> <p>No items including structures, plant, equipment, materials, products or goods shall be placed or stored above a height of 4 metres from the existing ground levels shown on drawing number SU00485- SHT01 received on 17 August 2022. The ground levels on the site shall not be altered except for the landscaped bund in accordance with drawing number WHL-1361-05 received on 7 December 2021.</p> <p>Reason: To ensure that future storage on site has an acceptable visual impact in the surroundings in accord with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
7.	<p><b>Access via Ramsbury Road only</b></p> <p>No vehicles accessing the site shall be routed via the unnamed road to the south of the site via the Motorway Service Area. All access must be via Ramsbury Road to the east of the site only.</p> <p>Reason: To ensure that unauthorized vehicles from the proposed development do not access the M4, via the westbound Membury Services, from the unnamed access road and therefore does not have a detrimental impact on the M4, and to ensure the M4 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.</p>
8.	<p><b>Access Creation and Surfacing</b></p> <p>The use hereby approved shall not be brought into first use until the vehicular site access to the site from the unnamed road off of Ramsbury Road and visibility splays have been completed in accordance with the Block Plan, drawing number PUT/001 Rev B received on 16 May 2022, and, the Entrance Surfacing Plan, drawing number PUT/003 received on 9 December 2021.</p> <p>Reason: The timely completion of the site access is necessary to ensure safe and suitable access for all. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>



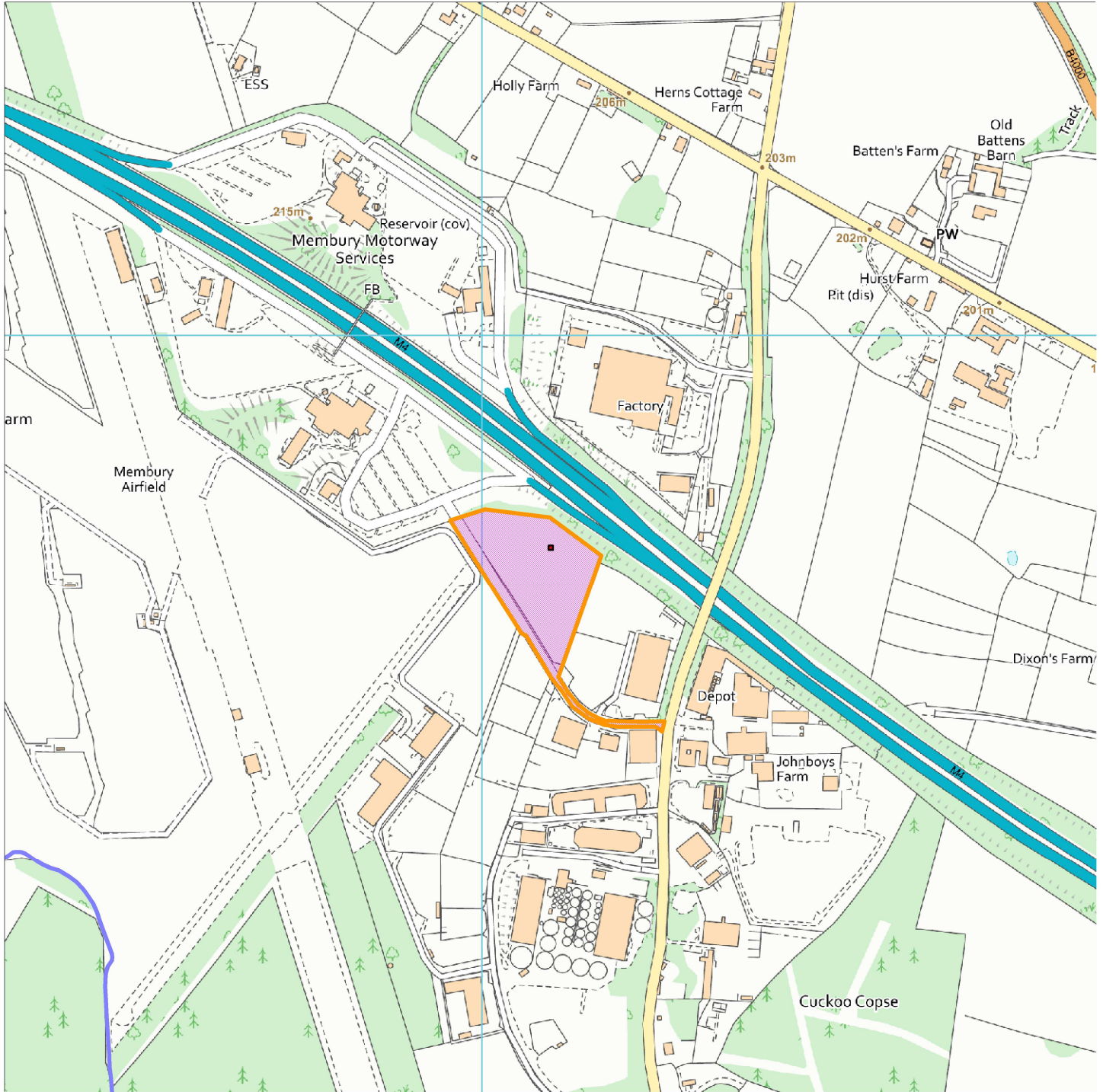
9.	<p><b>Parking</b></p> <p>The use hereby approved shall not be brought into first use until vehicle parking have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking (of private cars and/or private light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is 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.</p>
10.	<p><b>Cycle Parking/Storage</b></p> <p>The use hereby approved shall not be brought into first use 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.</p> <p>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).</p>
11.	<p><b>Construction and Environmental Management Plan (CEMP)</b></p> <p>The development hereby approved shall be undertaken in accordance with the Construction and Environmental Management Plan (CEMP) dated 6 July 2021 and received on 9 July 2021.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and biodiversity and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5, CS13 and CS17 of the West Berkshire Core Strategy (2006-2026), Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
12.	<p><b>Lighting strategy (AONB/Ecology)</b></p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</li> <li>(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.</li> <li>(c) Include isolux contour diagram(s) of the proposed lighting.</li> <li>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers unless sufficient evidence is provided to demonstrate that a different lighting zone is appropriate.</li> </ul>

	<p>No external lighting shall be installed within the site except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site 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.</p>
13.	<p><b>Use Restriction</b></p> <p>Irrespective of the provisions of the Town and Country (General Permitted Development) Order 2015 or any subsequent variation thereof, the use of the site shall be for purposes of the storage of groundworks and construction vehicles and machinery only, and no other use within use Class B8 or any other Class of the Town and Country Planning (Use Classes) Order 1987 (or any subsequent use thereof) will be permitted.</p> <p>Reason: In the interests of highway safety and in order to ensure that the use of the site is of an scale and intensity commensurate to its rural location in accordance with the recommendations of the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>

### ***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.
2.	The unnamed road serving the Membury motorway service area is owned by National Highways. You must obtain the prior consent of the owner of that land upon which it is necessary for you to enter in order construct, use, or in any other way carry out any works in connection with this development. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.
3.	All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.

Land Adjacent to M4, Membury Airfield, Ramsbury Road, Lambourn Woodland



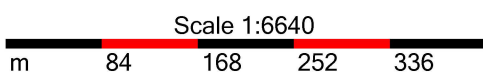
Map Centre Coordinates :

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	17 August 2022
<b>SLA Number</b>	0100024151



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