

# **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, 21 SEPTEMBER 2022**

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

**Also Present:** Sharon Armour (Solicitor), Jake Brown (Principal Planning Officer), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Tom Dunn (Zoom Host), Gordon Oliver (Principal Policy Officer) and Simon Till (Development Control Team Leader)

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

#### **PART I**

##### **15. Minutes**

The Minutes of the meeting held on 31 August 2022 were approved as a true and correct record and signed by the Chairman.

##### **16. Declarations of Interest**

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

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

All Members of the Committee declared an interest in Agenda Item 4(3), 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.

##### **17. Schedule of Planning Applications**

Prior to consideration of the individual planning applications, it was noted that presentations of the applications would be given with the aid of site photographs. This was due to the suspension of Council activity during the week following the death of Queen Elizabeth II, which meant that site visits could not be undertaken. The decision had been taken to proceed on this basis in order to not incur additional delay in determining the applications. It was noted that this approach had been adopted throughout the Covid pandemic.

A concern was expressed that photographs were not an adequate replacement for site visits, which often highlighted additional information. Clarification was sought that the Council would not be open to legal challenge in the event that applications subsequently went to appeal. It was confirmed that careful consideration had been taken as to whether the available photographs would be sufficient to show the sites. However, if Members felt

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that they had insufficient information to be able to make a decision then they should seek to defer the item.

It was agreed that the meeting should proceed as planned. However, Councillor Adrian Abbs asked for it to be recorded that he would have preferred a vote as to whether Members were comfortable to proceed using photographs before consideration of the applications.

### **(1) Application No. and Parish: 21/03083/COMIND Land Adjacent to M4, Membury Airfield, Hungerford**

*Councillor Howard Woollaston declared a personal interest in Agenda Item 4(1) by virtue of the fact that was the local Ward Member. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.*

*Councillors Dennis Benneyworth, Carolyne Culver and Howard Woollaston declared that they had been lobbied on Agenda Item 4(1)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/03083/COMIND in respect of a change of use to Class B8 at Land Adjacent to the M4, Membury Airfield, Hungerford.
2. Mr Jake Brown (Principal Planning Officer) introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – Development and Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Gareth Dowding (Principal Engineer – Traffic and Road Safety) if he had any observations. No highways issues were raised.
4. In accordance with the Council's Constitution, Mrs Bridget Jones, Parish Council representative, Mr Alan Peace and Mr Richard Bobrucki, objectors, and Mr Andrew Turvill, agent, addressed the Committee on this application.

### **Parish Council Representation**

5. Mrs Jones in addressing the Committee raised the following points:
  - Lambourn Parish Council had serious concerns about the impact of this proposal on the road network, emergency access to the M4, residential amenity and the environment within the Area of Outstanding Natural Beauty (AONB).
  - The case officer had acknowledged that the site was agricultural land outside the Protected Employment Area (PEA).
  - The previous application had lapsed and so this was a greenfield site, which should have been restored – the applicant had stripped the topsoil, imported additional material and created a large bund prior to submitting the current application. This was not conserving / enhancing the site within the AONB.
  - The claim that biodiversity would be enhanced was considered insulting, since the applicant had already destroyed it. Environmental screening had been done for another application and only covered a third of the site. The screening exercise which had determined that this was not an Environmental Impact Assessment (EIA) development was done after the applicant had destroyed the green field.

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- Since 2018, when the previous permission had been granted, the number of HGVs using access roads to this site had more than doubled and the Walkers Logistics Plan would add hundreds more.
- Highways had highlighted the lack of public transport and the dangers of walking and cycling on Ramsbury Road, which made the site unsustainable.
- Cumulative impacts of further development affected local villages, especially between the site and Junction 14 of the M4, yet planners did not consider the effects sufficient to give rise to concerns. However, residents did have concerns and complaints about noise, obstruction and out of hours working had been ignored, or they had been fobbed off. This meant that residents had no confidence in the efficacy of planning conditions. If conditions could not be enforced then the application should be refused.
- Those who had attended the previous site visit would be aware of the volume of traffic using the service road to access the M4 services, which was not being enforced by National Highways.
- A proposed pull-in area which Highways had said would mitigate blocking of access for emergency vehicles was considered inadequate. Vehicles travelling to and from the site would be turning across a busy road and the potential for delaying emergency responses to motorway accidents was considered to be high.
- As more developments were permitted, the demand for electricity had risen. The local electricity supply had been interrupted and generators had to be provided to residents. The amount of security lighting had increased and there was no requirement on developers to develop and sustain critical infrastructure.
- Consultants Stantec had been employed by the Council to inform the Local Plan about where employment was required in West Berkshire – no further requirement was identified at Reading.
- Disadvantages that this application would bring to the parish outweighed any employment advantages.
- The Parish Council asked the Committee to refuse the application.

### **Member Questions to the Parish Council**

6. Members asked about the level of illegal use of the access road to the M4 services and if there were access controls. At the previous site visit, Mrs Jones had observed several vehicles using the access road, which were not recovery vehicles and the party had been forced to step off the road on a number of occasions. She confirmed that there used to be an access barrier years ago, but there was no gate now.
7. Clarification was sought if the Parish Council's road safety concerns were associated with traffic turning in and out of the site. Mrs Jones agreed and indicated that they were also concerned about the ability of emergency service vehicles to be able to attend incidents in a timely fashion.

### **Objector Representation**

8. Mr Bobrucki read out a statement from Mr Anthony King of the Woodlands Protection Group who was unable to attend the meeting in person – this included the following points:
  - It was considered that there were many contradictions and inconsistencies in the Planning Officer's report, which resulted in the Committee being provided with misleading and biased information.

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- Much emphasis had been placed on the previously approved planning applications on this site as being justification to approve this one (e.g. 16/02116/OUTMAJ). This application was for a different site and so it was misleading to reference it.
  - In the section on appraisal, there was no reference to sustainability in the issues for consideration. It was suggested that the Committee could not take a decision on this site without a full appraisal of sustainability. Officers had previously declared that current development proposals were not sustainable. It was suggested that Membury Industrial Area was not sustainable now and no further expansion should be allowed.
  - Paragraph 7.4 of the report dismissed cumulative impacts and referenced the application 19/02979/OUTMAJ and 20/00562/COMIND. The Walkers' application and the Committee's approval were considered to be flawed, since they were based on artificially suppressed traffic generation figures. This approach was considered unenforceable and would lead to unprecedented growth of HGV and other vehicle movements. This was recognised by Walkers when they submitted a new business plan, which Planning Officers and this Committee chose to ignore before approving the application.
  - The correct approach would have been to use the UK standard TRICS data, which was recommended by Woodlands Protection Group's own traffic consultants and Walkers' Traffic Consultants. The outcome of this was that traffic generation from Walkers was artificially suppressed at 153 vehs/day instead of the correct forecast of 776 vehs/day. It was suggested that this development and others should not be approved until the true traffic impact of Walkers had been seen or the correct forecasting was used.
  - In summary, the report was considered to be poorly presented with obvious errors and inconsistencies, which misled the Committee. Sustainability was ignored when it should have been given the deepest investigation and when Council officers had declared Membury to be unsustainable and that no further development should be undertaken.
  - The report dismissed cumulative impacts, which was considered to be wrong, particularly when Walkers' new development was already forecast to add 776 vehs/day to the local road network, which was already stressed.
  - It was suggested that this application should be refused until the Council accepted the level of traffic forecast at Membury was beyond reasonable and it got to grips with the sustainability of the whole Membury Industrial Area.
9. Mr Pearce in addressing the Committee raised the following points:
- He had lobbied Committee Members on 12 September 2022.
  - He considered the case officer's report to be erroneous.
  - Paragraph 7.4 failed to address the cumulative impact of the Walkers' development. The Walkers' application had been passed totally unrestricted with Condition 15. Traffic movements should have been taken into account.

### **Member Questions to the Objectors**

10. Members did not have any questions of clarification.

### **Agent Representation**

11. Mr Andrew Turvill in addressing the Committee raised the following points:

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- It was recognised that any development at Membury was contentious and it was suggested that matters were being conflated by the Walkers Logistics application.
- This site had an extant consent at the time when the Walkers' application had been determined.
- Conjecture about the traffic issues at the Walkers' site was being used to talk this site down.
- He considered the officer's report to be exemplary. A number of very minor errors had been identified, including reference to a site opposite this one. However, in all other respects, it was correct.
- Cumulative impacts had been properly considered. A screening opinion had been provided and stated that the cumulative impact had been assessed.
- There had been no policy change since the previous application had been determined, and this application was for a less intensive use compared to that originally proposed. Also, there were no objections from the Parish Council or individual parties to the previous application, and were it not for the Walkers application, there would be no objections to this proposal.
- It was suggested that this application was being used as a scapegoat and if refused then it would make it untenable for any business to do anything at Membury in future.
- Traffic issues were related to the Walkers' development and what they might do in the future was not a consideration for this application. No other business at Membury was subject to restrictions on their movements and if other businesses wanted to use smaller vehicles to transport goods, they could do so. The likelihood of there being a large increase in traffic related to the Walkers' development was queried. Projections were extrapolations of existing movements. Traffic movements for this site would be very limited – less than 12 per day.
- The site would also provide employment and would tidy up the site.
- The application had been subjected to detailed negotiations regarding conditions. It would have come forwarded earlier, but for some ecology issues. Measures put forward by the Council's ecologist had been agreed by the applicant.
- Responding to comments by the Parish Council and objectors, he confirmed that the EIA screening was for the whole site. Also, the site would be subjected to more conditions than under the previous consent (including pre-conditions), which would give the Council more control over issues such as drainage.
- He hoped that the Council would accept officers' recommendation and support the application.

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

12. Members sought clarification about the screening opinion. It was confirmed that a full screening opinion had been completed in January 2022, with details provided in the agenda pack.
13. It was queried whether the applicant ultimately wished to develop the site for asphalt batching. It was confirmed that a previous application had been withdrawn and their long-term intentions were not known. Historically, there had been an asphalt plant at Membury.

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14. Members questioned the traffic modelling, which had assumed that there would be no access to the access road for the M4 services, but at the site visit for the previous application, it was clear that this was being used. Mr Turvill confirmed that the Council's highways officers had looked at the data, which included traffic counts. It was not clear if the day of the site visit was typical – five lorries carrying straw had accounted for most of traffic using the road that day. It was highlighted that National Highways had raised no objection to the application, and one of their vehicles had been present on the day of the site meeting. Members recalled that other vehicles had used the road on the day of the site visit.
15. Clarification was sought about proposed employment at the site. It was confirmed that there would be five full-time staff who would work daytime only and would be recruited locally if possible.

### **Ward Member Representation**

16. Councillor Howard Woollaston in addressing the Committee raised the following points:
  - This application replaced the time-expired approval from 2018.
  - There had been a recent application for a change of use to B2 for an asphalt grading plant, which was withdrawn because there was no longer an extant B8 planning consent.
  - The easy option would be to assume that since approval had been granted four years ago, it should be granted again. However, in the intervening period, the Walkers' application for a 10,000 sq.m distribution unit had been approved and HGV traffic on the B4000 had more than doubled as shown by the Council's own surveys as well as independent surveys by the Woodlands Protection Group.
  - The Council had declared a climate emergency, but this site and the whole Membury Industrial Estate was recognised by the Council's officers as being unsustainable, with just one bus per day, stopping 400m away, and requiring passengers to walk along an unlit road.
  - There had been exponential growth of the industrial estate in recent years, much of this being open storage with large numbers of daily HGV movements.
  - This site was open green space in 2018, but bunds had since been created to limit views of large soil tips and heavy duty machinery behind substantial locked gates.
  - It was thought that the developer's ultimate intention was to get consent for an asphalt plant.
  - Although the site was just outside the nutrient neutrality zone for the Lambourn Valley, surface run-off would go into the River Lambourn or the River Kennet.
  - The site lay outside the designated employment area and was part of the North Wessex Downs AONB. This had been ignored by the applicant who had removed topsoil and created bunds without planning approval.
  - The development would not create significant additional local employment.
  - Membury Industrial Estate was an anomaly dating back to the World War II and its subsequent use as an airfield. There was a 14km round trip to Junction 14 of the M4 via the B4000, an undesignated road and a country lane with no public transport links. Nobody would think to create a designated employment area in this location. There was no justification for allowing further industrial development beyond that which had already been designated and the applicant should be

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required to return the land to its original state. The Committee was urged to reject the application.

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

17. Members did not have any questions of clarification.

### **Member Questions to Officers**

18. Members asked about the visibility splays. It was explained that they were designed according to the road class and traffic speed. A speed survey had shown that speeds were well within that required for a 30–40 mph limit despite the road being subject to the national speed limit at the time. The need for a visibility splay looking towards the M4 services was queried. It was confirmed that splays in both directions were required. Members asked where speed surveys had been undertaken. It was confirmed that they had been carried out on the Ramsbury Road.
19. It was noted that a screening assessment had been undertaken and concluded that the proposed development would have a significant impact on the environment. Officers confirmed that the proposed development would not have a significant effect on the environment (the word 'not' had been omitted from a previous version of the report).
20. Given the Stantec report recommendations, Members asked if it would be appropriate to wait for the Local Plan to be updated before considering this application. Officers noted that the emerging Local Plan and the Stantec report could only be given very limited weight at this stage due to the limited progress of the Local Plan.
21. Concerns were highlighted about drainage, and the lack of assessment of cumulative impacts (both traffic and flooding). Also, the officer's report did not list the SUDs SPD as a policy consideration. Officers confirmed that sustainable drainage had been considered acceptable for the previous application. Additional detail had been sought for this application to ensure that surface water was properly drained within the site. This meant that there would be no cumulative impact with adjacent sites. Traffic impacts were considered negligible and the Walkers' application had been approved while the previous application for this site had been extant, so cumulative impacts had been considered at that time.
22. Members noted the illegal use of the M4 services access road and asked if this should be discounted when determining the application, and what could be done to address the issue. Officers noted that it was a private road and it was up to National Highways to enforce any restrictions. The Council could take enforcement action should there be a breach of condition taking place. It was suggested that any existing illegal use should not be a consideration for determination of this application. It was noted that there was a no entry sign where this road joined the M4 services.
23. Clarification was sought as the weight to be given to the economic benefits arising from this application and whether this offset sustainability concerns. Officers suggested that significant weight should be given to the employment benefits, since the Council was supporting economic development through its development plan. Overall, the development was considered to be sustainable when economic, social and environmental considerations were taken into account.
24. It was noted that for previous applications in the vicinity of the site, the location had been assessed as unsustainable, so Members queried why this one was different. It was confirmed that under the three elements of sustainability set out by national government, this application was considered to be sustainable.

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25. Members asked if they were being asked to consider an area within the AONB moving to B8 use, or the site in its current condition moving to B8 use. It was confirmed that the site had no authorised use, so Members should consider it as going from agricultural use to B8 use.

### **Debate**

26. Councillor Adrian Abbs opened the debate. He reiterated his desire for the application to be deferred to enable a site visit. He was uncomfortable about a number of aspects, including: anomalies in traffic flows, which were thought to be out by around 30%; traffic speeds on the private road, which had appeared to be more than 40mph; and the visibility splays which actively encouraged traffic to turn right out of the site.
27. Councillor Tony Vickers could see no reason not to support the recommendation. However, he was unhappy about the issues in the area that fell outside of planning. He recognised that there was a case for motorway services to become storage and distribution hubs, but this was not permitted under current legislation. He could not see any material change in planning law since 2018 that would prevent approval of this application. While he recognised that the applicant may ultimately wish to apply for an asphalt processing plant on the site, the Committee had to consider the current application solely as a change of use to B8. He asked for the minutes to reflect Members' concerns about the lack of enforcement of access to and from the M4 services.
28. Councillor Dennis Benneyworth accepted that the previous decision still stood and highlighted the weight that should be given to the employment benefits associated with the proposal. As such, he was minded to support the application.
29. Councillor Howard Woollaston highlighted that the site was in the AONB and, since it proposed going from agricultural use to an industrial use, the application should be rejected. He indicated that National Highways had already given consent for one operator to access a site on Membury Industrial Estate via the M4 services.
30. Councillor Carolyn Culver noted that the site was outside the PEA and asked at what point would a site be considered unacceptable. She expressed concern about the lack of assessment of cumulative impacts and noted that the Local Flood Authority had not provided a response and that insufficient detail had been provided to ensure that surface water would be managed in a sustainable manner. She indicated her discomfort with the approach being taken and indicated that she was minded to oppose the application.
31. Members were reminded of the need to be clear on reasons for refusal given that a similar application had been previously approved for this site.
32. Councillor Jeff Cant felt that there was little basis on which to refuse the application. He indicated that he would like clarification that the location of the site within the AONB was not an over-riding factor that should preclude approval. Officers confirmed that loss of a field within the AONB had been considered acceptable when the previous application had been determined in 2018. Therefore, it would be difficult to defend this as a reason for refusal at appeal this time, especially since additional landscaping had been secured.
33. Councillor Phil Barnett felt uneasy about the application, but could not see a reason to reject it.



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34. Councillor Jeff Cant 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 Tony Vickers.
35. Councillor Woollaston asked if an informative could be added to indicate that a future change to B2 use would be considered unacceptable. Officers advised that this would not be considered acceptable as an informative, since any B2 use would need to go through planning.
36. Councillor Abbs asked if the visibility splays could be adapted to discourage traffic from turning right towards the M4 services. Officers highlighted that there was a condition relating to access. Also, it was noted that the road was an emergency access to and from the M4 services, so the splay would be needed to ensure that vehicles exiting the site could see traffic approaching from the right.
37. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Vickers 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 following conditions:

### **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, drawing number PUT/002 Rev A 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>The use hereby approved shall not commence until details of the sustainable drainage measures to be implemented at the site including any hardstanding material, cross sections drawings, resultant ground levels and management/maintenance details have been submitted to and approved in writing by the Local Planning Authority and implemented in full in accordance with the approved details. The sustainable drainage measures shall be maintained in accordance with the approved details thereafter and no other</p>

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	<p>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>The use hereby approved shall not commence until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, including cross section diagrams of the western boundary landscaping alongside the service road showing the depth of each of the different landscaping elements to be placed there, the landscaping, planting and retention schedule, programme of works, management prescriptions including the management of landscaping after 5 years post implementation to ensure that mitigation measures continue, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following first use of the site and managed and maintained in accordance with the approved details thereafter. 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 and is also necessary to mitigate the impact of the proposal in respect of ecology and biodiversity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
5.	<p><b>Boundary Treatments</b></p> <p>The use hereby approved shall not commence until boundary treatments for the site have been implemented in accordance with a boundary treatment scheme that has first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall include details of fauna access points to be provided as part of the development that allow fauna to utilise the planting proposed within the site.</p> <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>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 4) 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>

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	<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>
7.	<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 unless approved as part of the details submitted in respect of sustainable drainage (condition 3) or landscaping (condition 4).</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>
8.	<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>
9.	<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>

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	<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>
10.	<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>
11.	<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>
12.	<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>
13.	<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</li> </ul>

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	<p>clearly demonstrated that areas to be lit will not disturb or prevent the above species.</p> <p>(c) Include isolux contour diagram(s) of the proposed lighting.</p> <p>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers unless sufficient evidence is provided to demonstrate that a different lighting zone is appropriate.</p> <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>
14.	<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, plant, equipment, materials, machinery and any other items associated with the groundworks contracting business 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.

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

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

*Councillors Carolyn Culver and Howard Woollaston declared that they had been lobbied on Agenda Item 4(2).*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/01843/HOUSE for Lake House, West Woodhay Road, West Woodhay in respect of Section 73 variation/removal of condition 3 (approved plans) of approved 18/01441/HOUSE - Demolition of garden store, to amend the previously approved Eastern and Western pavilions and basement.
2. Mr Jake Brown (Principal Planning Officer) introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended to delegate to the Service Director – Development and Regulation to make representations at appeal that planning permission should be granted subject to the conditions listed in the main and update reports, together with the authority to negotiate or amend those conditions during the course of the appeal.
3. Mr Gareth Dowding (Principal Engineer – Traffic and Road Safety) had no observations relating to the application.
4. In accordance with the Council's Constitution, Mr Simon Hayes West Woodhay Parish Meeting, and Mr Steven Sensecall, agent, addressed the Committee on this application.

### **Parish Council Representation**

5. Mr Hayes in addressing the Committee raised the following points:
  - West Woodhay Parish Meeting and Inkpen, Kintbury, Hamstead Marshall and East Woodhay Parish Councils all opposed the original application.
  - The underground aspect of the application incorporated a wellness centre, a third swimming pool with five toilets, and a large car park as part of 1,500 sq.m development.
  - In 2019, permission was granted for a smaller underground car park, but the new application was for a development three times bigger than that previously approved and five times the footprint of the residence.
  - No thought had been given to the amount of spoil and traffic associated with taking this off site.
  - Prior to approval of the previous application, the agent, Area of North Wessex Downs AONB Team and the Planning Team had agreed to reduce the size of the basement and replace the ramp to the basement parking with a car lift to reduce the footprint and built form, which in turn would reduce the impact on the AONB. Given this previous negotiation, it was queried as to why the current application was being recommended for approval when it was three times the size. Also, there had been no consultation with the AONB Team on the current application.

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- Lake House was built on a bog and the effects of excavating to 7.5m were unclear. The applicant's drainage reports related solely to the site and did not consider upstream properties. They made no mention of adjacent properties with boreholes. The AONB Team and the Council's drainage engineer had both previously indicated that the effect on upstream properties was a concern, but these experts' opinions were being ignored. Lessons needed to be learned from Victoria Park. The applicant had questioned as to why the village had not commissioned an independent report, but there was no reason why they should.
- The applicant was seeking permission to replace garage doors with large French windows on both pavilions, but this had already been done. This amendment had been refused by the Planning Team and at appeal in order to preserve the remoteness, tranquillity and dark skies within the AONB. It was not clear why the current recommendation was going against these previous recommendations.
- Minor amendments proposed to the size of the windows would make little difference and the application should be refused on the same grounds. The site could be seen from local roads and bridleways as well as from the Wayfarer's Walk. No other house in the area was illuminated to this extent. While separate lighting reports had been prepared for individual buildings, the total accumulation of light pollution at the property was considered to be an issue.
- The Committee was asked why they would support a project that was considered to be out of control, an environmental disaster, and against the wishes of ordinary people.

### **Member Questions to the Parish/Town Council**

6. There was a question about the French windows on the pavilions. It was confirmed that all of the windows for which permission was being sought had already been installed.
7. Members asked if there had been any impact on upstream houses to date. It was noted that works had not commenced, and no issues had been raised so far.

### **Agent Representation**

8. Mr Sensecall in addressing the Committee raised the following points:
  - An appeal had been submitted for non-determination. The application had been submitted in July 2021 and there had been extensive and positive negotiations with officers. Concerns about the original drainage reports had been addressed, and detailed lighting reports had been produced, but it had not been possible to get the application to Committee.
  - The officer's report was produced after the applicant had submitted their appeal. This had recommended approval and officers had recommended that this should be the Council's position at the appeal.
  - It was noted that Mr Hayes had made reference to matters that did not relate to the current proposal. The existing house was lawful and had planning permission. Consent had been granted for the two pavilions, but the applicant was seeking changes to make both pavilions symmetrical and more consistent with the house.
  - It was acknowledged that the proposal sought to increase the size of the basement would significantly, but this would involve underground works with no visual impact on the AONB.

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- Spoil removal would during construction only and officers were happy that this was a temporary issue.
- It was hoped that the Committee could accept officer's recommendation.

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

9. Members noted that the application had been on the agenda for a previous meeting but had been pulled at the last minute, since permission had not been granted for a site visit. It was highlighted that the appeal had already been submitted by that point.

### **Ward Member Representation**

10. Prior to addressing the Committee, Councillor James Cole made the following declaration:
  - He was the owner of land around half the site. The development could potentially be to his financial advantage. However, he considered that he was comfortably within all of the Nolan Principles and was happy to provide further detail upon request.
11. Prior to addressing the Committee, Councillor Claire Rowles made the following statement:
  - She was awaiting clarification on a technical point related to voting at committees, before rejoining and voting on committees.
12. Councillor Claire Rowles in addressing the Committee raised the following points:
  - There was a great deal of interest in the application and five parish councils had objected on the grounds of over-development within the AONB.
  - It was surprising that officers were happy to use photographs rather than defer the application to allow a site visit, particularly given the parish councils' objections and the scale of the proposal. Only by visiting the site was it possible to appreciate the scale and impact of the overall development.
  - The proposed alterations, which included additional windows, were contrary to preserving the remoteness, tranquillity and dark night skies of the AONB, which were the basis for dismissing the previous application at appeal.
  - It was questioned why there had not been an up-to-date ecology report and why it was considered that the proposal would not have significant effects on the environment. The proposal would do enormous additional damage to a natural bog in the AONB and an environmental impact assessment should have been required.
  - It was noted that there were elements in this application for which retrospective permission was being sought - it was not the first time this had been done at this property. When another retrospective application had been determined by the Committee recently, the Leader had suggested that this was not how planning was done in West Berkshire.
13. Councillor James Cole in addressing the Committee raised the following points:
  - A reasonable request for additional photos had been refused, which he considered to be grounds for judicial review should the application be recommended for approval at appeal.
  - It was questioned why a gigantic additional basement area was considered minor and could be covered under a Section 73 application.



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- It was questioned how changes to fenestration proposed to both pavilions could be considered to not detrimentally impact on the AONB dark night skies. The existing development already lit up the night sky, but additional photos showing this had not been permitted. The development was already visible from the Wayfarer's Walk when partly illuminated and this application would have an even greater impact.
- The report implied that it was not known whether groundwater would be affected by excavations, yet it was considered OK for these to go ahead.
- The report suggested that construction would not impact on neighbours. However, piling works for the previous development had gone on for a very long time, which Councillor Cole could hear from his property some distance away.
- It was questioned what volume of spoil removal would be considered unacceptable. Also, it was requested that gates that had been opened illegally for haul routes for the previous development should not be used if the proposed development was approved.
- It was suggested that there may be long-term plans to create a spa hotel at this site. While conditions would stop that from happening this time, the application was considered to be a stepping stone towards it.
- Overall, it was considered that the proposal was not protecting the AONB.

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

14. Views were sought as to potential impacts upon upstream properties. It was noted that tests had not been carried out, so there was no way to tell. The village was on a range of different water supplies and borehole owners were concerned.
15. Members asked about possible grounds for refusal. It was suggested that the application was not consistent with the Council's AONB policy. It was noted that the previous application had been dismissed at appeal on the grounds that it was contrary to the remoteness, tranquillity and dark skies of the AONB, and it was not clear why that did not apply this time.

### **Member Questions to Officers**

16. Members noted that there were two other applications for the same property and asked why the applications were not being considered together. It was stated that the other applications were not yet ready to be brought to committee for determination and this application had to be brought to committee as soon as possible due to the fact that a non-determination appeal had been lodged and the Council needed to agree its position.
17. Members asked if a Tree Officer had visited the site. It was confirmed that they had visited the site on at least one occasion.
18. A question was asked about the difference between CIL payments for a hotel and a private residence. It was indicated that CIL would not be applicable for a hotel, but S106 contributions might be.
19. It was noted that light pollution was a major issue at the previous appeal and officers were asked how any increase could be considered acceptable when it was previously a reason for refusal. Also, given that the windows had already been installed, officers were asked if actual light measurements had been taken. Officers highlighted that at the previous appeal, no technical information with respect to future light spill had been put forward by the appellant or how this could be mitigated.

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However, an assessment by a qualified lighting specialist had been provided for this application which concluded that any impact on the AONB dark skies would be negligible. Given the lack of evidence to the contrary, it would be difficult to refuse the application on the grounds of the impact on the AONB dark skies.

20. Members asked about what lighting standard was considered acceptable. It was explained that the Institute of Lighting Engineers referred to dark sky zones and large parts of the AONB were within Zone E1. Officers did not have details available at the meeting. The lighting assessment had assessed the baseline for the current development, which was in Zone E2 (i.e. not total dark skies) and the proposal would not increase the lighting zone impact of the development.
21. Members suggested that a night-time site visit would have been appropriate to see the impacts of the changes already introduced. Officers noted that not all of the proposed fenestration works had been implemented and the western pavilion had not been built. The lighting assessment used advanced computer modelling to assess the impacts. This had been done for a worst-case scenario of no curtains or window coverings. It was noted that no lights were proposed on the outside of the building and a condition would prevent further lighting without accompanying assessments.
22. Clarification was sought about the type of lighting proposed and if assessments had been carried out for a range of different bulb types and wattages. Officers did not have the details but confirmed that standard domestic lighting would have been assessed.
23. There was further discussion about lighting and the previous appeal decision. It was reiterated that the Inspector's concern had been around the lack of a lighting assessment, but this had been provided as part of the current application. It was suggested that if members had concerns about the level of technical detail provided in the lighting assessment, then that could be put forward as a potential reason for refusal. However, officers considered the assessment to be acceptable. Members reiterated concerns at the lack of detail around what lights were used in the assessment.
24. It was asked if the light assessment had been undertaken with the garage doors in place or with the current French windows. Officers confirmed that the assessment had been for the baseline as approved, and included the lighting scheme approved for the replacement dwelling.
25. Members asked about the fact that the proposal was considered minor development. It was explained that this was a S73 application for a minor material amendment to a previously approved scheme. Officers felt that the proposed changes fell within the description of the previous development and represented a minor material (rather than non-material) amendment.
26. Members asked what conditions would be imposed on the transport of soil from the site. Officers stated that the spoil condition had been modified. This would allow for assessment of haul routes and for officers to agree with the developer the most routes and vehicles.
27. Members felt that this was a major undertaking in terms of materials, but because much of it was below ground, it appeared to comply with policies. Officers were asked if there was any reason why such an extraordinary development might fall foul of planning law. Officers stated that their recommendation was for approval and their assessment was set out in the report. However, if Members were concerned about the cumulative impact of the development, then the visual assessment would define the impact on the AONB. It was noted that the underground element of the

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development was within the envelope of developed land, so there were no grounds on which to object in terms of visual impact on the AONB.

28. The issue of biodiversity net gain was highlighted. Officers indicated that the application was seeking an amendment to a previous permission that had been granted. The policy on biodiversity net gain had been in place at that time and the previous application had been considered acceptable. The proposed landscaping scheme was considered acceptable by officers and the enlarged basement had not been raised by the Ecologist as an issue that required additional biodiversity net gain measures.
29. Members noted the proposed large, underground extension and suggested that it could be considered overdevelopment of the site if it were above ground.
30. It was noted that the Committee was not being asked to determine the application, but only to give their recommendation to the Planning Inspector. The Planning Authority would be asked to comment on planning conditions regardless of the Committee's decision. If Members chose to recommend refusal, then the grounds for refusal would need to be provided to the Inspector. Otherwise the officer's report and recommendations would be presented to the Inspector with any additional conditions that the Committee chose to impose.

### **Debate**

31. Councillor Tony Vickers opened the debate. He noted that sustainability included social sustainability. Little was known about the applicant and the potential contribution to West Berkshire society if the development were to be approved. He also wondered what would happen to the property and how it would be maintained if the developer ran out of money. He recognised that it would be difficult to develop a stately home above ground in the modern era, but it had not been foreseen that someone would go below ground to get around planning policy. Given that much of the application was retrospective, he suggested that a night-time site visit would be appropriate and could be recommended to the Planning Inspector as something that they should consider. He noted that even with the professional report, there were lots of factors related to lighting that were difficult to assess and suggested. In terms of drainage, he noted that the proposal was three times the size of the previous proposal and would have three times the impact on underground water flows.
32. The Chairman highlighted that drainage impacts would be mitigated through provision of a porous material around the basement and the strata beyond would then slow down the flow.
33. Councillor Carolyn Culver expressed concerns about the additional glazing proposed. She also raised concerns about the lack of evidence about potential drainage impacts and the fact that the design was based on opinion. She suggested that the Committee needed additional evidence to be able to make an informed decision. She was concerned about biodiversity net gain, since a lot of soil would be lost from the site and a lot of trees had already been lost, and she considered that the condition to provide one barn owl box was insufficient. She noted that the biodiversity net gain baseline was January 2020 and suggested that the Tree Officer should be asked what trees were on the site at that time and how that information should be used to work out appropriate levels of biodiversity net gain. In addition, she noted that there was a pond on site that had been filled in with gravel. Given all these unanswered questions, she was not satisfied that she had sufficient evidence to support the application.

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34. Councillor Adrian Abbs indicated that the lack of a site visit left him uneasy. He noted that every time a proposal for this site came before the Committee, there was always a matter that required enforcement, and he expressed his irritation that retrospective permission was being sought for some elements. He disputed that this was a minor amendment to a previous approval and suggested that if this scheme had been put forward as part of the original proposal, it would have been rejected. There had been multiple applications over time which had made the development progressively bigger, with many retrospective elements. He suggested that there were many reasons to refuse the development (i.e. overdevelopment, light pollution, and the impact on the AONB) and these should be presented to the Planning Inspector.
35. Councillor Jeff Cant felt that there was insufficient evidence available to be able to make an assessment of the total cumulative impact of the lighting and support a recommendation of approval to the Planning Inspector.
36. Councillor Dennis Benneyworth agreed with Councillor Cant's comments.
37. Councillor Cant proposed to reject the officer's recommendation and refuse planning permission on the grounds of: insufficient evidence to be able to assess the cumulative effect of proposed lighting on the AONB dark skies; insufficient evidence on biodiversity net gain; insufficient information on drainage; concerns regarding overdevelopment; and the potential impacts on the tranquillity of the AONB. This was seconded by Councillor Culver.
38. Clarification was sought as to relevant policies under which harm could be demonstrated as a result of overdevelopment. It was confirmed that the proposed additional development would lead to an intensification of activity would fundamentally change the character of the site within the AONB.
39. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Culver to refuse planning permission. At the vote the motion was carried.

**RESOLVED** that the Service Director for Development and Regulation be delegated to make representations at appeal to REFUSE planning permission for the following reasons:

### **Reasons**

- Insufficient evidence to be able to assess the cumulative effect of proposed lighting on the AONB dark skies
- Insufficient evidence provided on biodiversity net gain
- Insufficient information provided on drainage
- Concerns regarding overdevelopment, whereby the proposed additional development would lead to intensification of activity would fundamentally change the character of the site within the AONB

### **(3) Application No. and Parish: 21/02145/FULEXT Land adjacent to Phoenix Centre, Newtown Road, Newbury**

*All Members of the Committee declared a personal interest in Agenda Item 4(3) by virtue of the fact that this was a joint venture application submitted on behalf of the Council and Sovereign Housing. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

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*Councillor Howard Woollaston declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was the Executive Portfolio Holder for Housing. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.*

*Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(3) by virtue of the fact that they were Members of Newbury Town Council's Planning and Highways Committee where this item had been previously discussed. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillor Adrian Abbs declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a Member of Greenham Parish Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.*

40. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 22/02145 in respect of construction of 18 new homes with associated parking, access, amenity and landscaping at Land adjacent to Phoenix Centre, Newtown Road, Newbury.
41. Mr Simon Till (Team Leader - Development Control) introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director - Development and Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports, and completion of a section 106 agreement within four months (or such longer period that may be authorised).
42. The Chairman asked Mr Gareth Dowding (Principal Engineer (Traffic and Road Safety)) if he had any observations relating to the application. He confirmed that there were sufficient car parking spaces proposed and all would be of the correct size. At least two disabled parking spaces would be provided.
43. In accordance with the Council's Constitution, Nigel Foot, Town Council representative, and Nick Fisher, applicant, addressed the Committee on this application.

### **Town Council Representation**

44. Mr Nigel Foot in addressing the Committee raised the following points:
  - Newbury Town Council's Planning and Highways Committee had supported the application.
  - It was refreshing to see an application of this size that was entirely for affordable housing.
  - The Town Council was encouraged by the sustainability aspects, including the provision of an air-source heat-pump and was happy to support the application.

### **Member Questions to the Parish/Town Council**

45. Members asked if the Town Council was happy that solar panels were not proposed as part of the scheme. It was suggested that this might be something that the applicant could address later. Also, it was noted that external lighting needed careful consideration, due to potential impacts on insects.

### **Applicant Representation**

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46. Mr Nick Fisher in addressing the Committee raised the following points:

- Mr Fisher represented Sovereign Housing and Homes for West Berkshire.
- If planning application was granted, ownership of the land would be transferred from West Berkshire Council to Homes for West Berkshire, which was a joint venture with Sovereign Housing. The land would be developed by Homes for West Berkshire with the completed homes then purchased and managed by Sovereign Housing.
- The development consisted of two buildings with 18 flats – all affordable housing, with nine for social rent and nine for shared ownership.
- The scheme has been carefully designed to improve the appearance and character of the area.
- Additional information had been provided on sustainable drainage details and a detailed landscaping scheme had been submitted.
- Some trees would be removed from the site and there was some difficulty in putting new trees back due to buried services across the land, but there was sufficient screening already on the site.
- The development was in close proximity to a Leylandii hedge that was under the ownership of the Two Saints Hostel. However, they were supportive of the development. Advice had been taken from a tree consultant who had advised that the roots would not extend for the full 11m root protection area and there was a low chance of harm to the hedge. Foundations would be modified on the basis of the results of trial pit excavations.

### **Member Questions to the Agent**

47. Members noted that the social housing in new developments usually had 70% social rent, 25% first homes and 5% shared ownership, and asked if there would be one 'first home' provided within the development as set out in the report. It was explained that the mix mentioned would normally be across the 30% social housing required for all developments. However, since this development would be 100% social housing, there was no requirement for a first home.
48. Members asked why it was solar panels and EV charge points were not proposed. It was confirmed that two EV charge points would be provided to serve the visitor spaces and additional charge points may be required to meet building regulations. The decision had been taken to adopt a 'fabric first' approach with airtight properties, good thermal insulation, and air source heat pumps. As such, the development would be 57% better than required by the 2013 regulations. It was confirmed that there were new products on the market, which would allow solar panels to be used and the benefits to be shared across all the flats. While solar was not the preferred approach, they could consider it.
49. Members asked about the layout of the cycle store. A plan was not available at the meeting, but it was confirmed that 32 spaces would be provided.

### **Ward Member Representation**

50. Councillor Phil Barnett in addressing the Committee raised the following points:

- This represented the completion of a long project which started when the Phoenix Centre had been commissioned. There had been various issues across the wider site encompassing the Phoenix Centre and Two Saints Hostel, which had needed to be addressed.

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- The scheme ticked many boxes although it was recognised that there were still areas where improvements could be made. The provision of affordable housing and smaller units was welcomed. Other aspects were also welcomed including air-source heat-pumps, sustainable construction, biodiversity measures and provision of cycle parking.
- There had been some concern about communal amenity space, but there were existing areas nearby that would overcome the issue.
- It was noted that there were other three storey developments nearby, including Jago Court.
- The proposal to maintain the adjacent bridleway was welcomed.
- While it would be nice to have additional trees on the site, the challenges of doing this were recognised.

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

51. Members did not have any questions of clarification.

### **Member Questions to Officers**

52. Members asked if the EV charge points could be relocated so they could be used by residents. Officers indicated that the condition could be altered to allow submission of further detail around the location of the charge points. It was noted that additional charge points may be required to satisfy building regulations.
53. Members sought further clarification about the mix of units and queried whether 70% of the units should be for social rent and if one first home should be provided. It was confirmed that where social housing provision went beyond the policy requirement, this was considered additional benefit and the policy would not apply beyond the minimum policy requirement. In terms of first homes, there was an exemption for schemes that provided 100% affordable housing.

### **Debate**

54. Councillor Howard Woollaston opened the debate. As the Executive Portfolio Holder for Housing, he welcomed the scheme. West Berkshire was short of affordable housing and he hoped that the Committee would support the proposal.
55. Councillor Tony Vickers noted that this application was similar to the almshouses in Mill Lane, where he had previous involvement. It had been difficult to determine the allocation of parking spaces and this would be further complicated by EV charge points. He suggested that the visitor spaces would be the best location for the charge points, since they were more likely to be unused overnight when residents wished to charge their vehicles. He suggested that it was easiest to allocate individual spaces to particular flats, but that was a management issue. He also stressed the importance of ensuring that the cycle store was properly laid out. Overall, he was pleased to see a 100% affordable housing site.
56. Councillor Adrian Abbs proposed to accept officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. He asked for an additional condition to require that revised details of EV charge point locations be submitted for approval, to ensure that they could be accessed by residents as well as visitors. He also asked for an informative to be added to suggest that the applicant consider the potential for community solar power. This was seconded by Councillor Phil Barnett.

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57. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Barnett to grant planning permission. At the vote the motion was carried.

**RESOLVED that** the Service Director - Development and Regulation be authorised to GRANT planning permission subject to the following conditions.

OR, if a Section 106 Agreement is not completed, to delegate to the Service Director of Development & Regulation to REFUSE PLANNING PERMISSION for the reasons 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 6362-P-001 <b>Rev A</b></p> <p>Proposed Site Layout 6362-P-105 Q</p> <p>Proposed Elevations Block A 6362-P700 C and -701 C</p> <p>Proposed Elevations Block B 6362-P-703 <b>Rev A</b> and -704 <b>Rev A</b></p> <p>Proposed Ground Floor Block A 6362-P-200 C</p> <p>Proposed First Floor Block A 6362-P-201 C</p> <p>Proposed Second Floor Block A 6362-P-202 C</p> <p>Proposed Roof Plan Block A 6362-P-203 A</p> <p>Proposed Ground Floor Block B 6362-P-204</p> <p>Proposed First Floor Block B 6362-P-205</p> <p>Proposed Second Floor Block B 6362-P-206</p> <p>Proposed Roof Plan Block B 6362-P-207</p> <p>Site Visibility 0702 P04</p> <p>Cycle Stores 6362-P-212</p> <p>Bin Stores 6362-P213 A</p> <p>Private Drainage 0400 P01.</p> <p>Private Drainage 0400 P02</p> <p>Planting Plan and Schedule PP-001</p> <p>Vehicle Manoeuvres &amp; S38 Areas 0700 P11</p> <p>Site Sections 6363-P-702 F</p> <p>Existing and Proposed Levels 0100 P11</p> <p>Proposed Drainage 0200 P11</p> <p><b>4229-PHCT-ICS-XX-RP-C-07.001-P05 Drainage Strategy Report</b></p> <p><b>4229-PHCT-ICS-01-XX-M3-DRAINS P04 Drainage Calculations</b></p> <p>Cotswold Transport Planning Transport Statement July 2021 CTP-20-1053 Issue 01</p> <p>Abricon Ltd Preliminary Ecological Appraisal August 2021 001SOVE100</p> <p>Geo-Integrity Phase I Desk Study May 2020 20-02-11</p> <p>Geo-Integrity Phase II Factual and Interpretative Geotechnical and Geo-Environmental Report September 2021 21-05-02</p> <p>Quattro Design Architects Design and Access Statement July 2021 6362-P-4000</p> <p>Hydrock Remediation Method Statement September 2021 21097-HYD-XX-XX-TN-GE-1001</p> <p>Hillside Trees Ltd Arboricultural Impact and Method Statement, Tree Protection Plan January 2022 Version 1.3 and email correspondence</p> <p>Infrastructure CS Ltd Drainage Strategy August 2021 4229-PHCT-ICS-XX-RP-C-07.001 and calculations XX-M3 P04</p> <p>AES Sustainability Consultants Ltd Energy and Sustainability Statement April 2022</p>



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	<p>Rev 1</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> <p>Abricon Ltd Preliminary Ecological Appraisal August 2021 001SOVE100  Geo-Integrity Phase I Desk Study May 2020 20-02-11  Geo-Integrity Phase II Factual and Interpretative Geotechnical and Geo-Environmental Report September 2021 21-05-02  Quattro Design Architects Design and Access Statement July 2021 6362-P-4000  Hydrock Remediation Method Statement September 2021 21097-HYD-XX-XX-TN-GE-1001  Hillside Trees Ltd Arboricultural Impact and Method Statement, Tree Protection Plan January 2022 Version 1.3 and email correspondence  Infrastructure CS Ltd Drainage Strategy August 2021 4229-PHCT-ICS-XX-RP-C-07.001 and calculations XX-M3 P04  AES Sustainability Consultants Ltd Energy and Sustainability Statement April 2022 Rev 1</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Materials</b></p> <p>No development shall take place above ground level until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</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), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p><b>Affordable housing</b></p> <p>The affordable housing shall be provided and retained for all residential units hereby permitted which are not secured by the associated planning obligation and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it.</p> <p>Reason: To ensure that the affordable housing is provided in accordance with the submission in accordance with policies CS4 and CS6 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.</p>
5.	<p><b>Implementation of Approved Remediation Scheme</b></p> <p>The approved Remediation Statement by Hydrock dated 3/9/21 must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,</p>

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	property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS14 of the West Berkshire Core Strategy 2006-2026 and policies OVS.5, OVS.7 and OVS.8 of the West Berkshire District Local Plan Saved Policies 2007 and the National Planning Policy Framework.
6.	<p><b>Reporting of Unexpected Contamination</b></p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and undertaken which is subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS14 of the West Berkshire Core Strategy 2006-2026 and policies OVS.5, OVS.7 and OVS.8 of the West Berkshire District Local Plan Saved Policies 2007 and the National Planning Policy Framework.</p>
7.	<p><b>Protection from external noise (prior approval)</b></p> <p>No dwelling shall be first occupied until external noise mitigation measures have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall be informed by an appropriately detailed investigation to address any noise sources in the area including the onsite air source heat pump. The details shall include a scheme of works for protecting occupants of the new dwellings from externally generated noise.</p> <p>Reason: To protect future occupants from the adverse effects of excessive noise levels that may be generated by the adjacent public house and any other noise sources in the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.</p>
8.	<p><b>Hours of work (construction/demolition)</b></p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:  7:30am to 6:00pm Mondays to Fridays;  8:30am to 1:00pm Saturdays;  No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
9.	<p><b>Trial Pits to Establish Foundation Design</b></p> <p>No development works within the root protection area of the trees identified as G1 on drawing 211223-PC-TPP-Rev B-NB Tree Protection Plan shall take place until details of foundation design for Block B have been submitted and approved in writing by the Local Planning Authority. The details shall include the findings of trial</p>

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	<p>pits establishing the roots of the G1 trees. The foundations shall be provided in accordance with the approved details.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
10.	<p><b>Electric vehicle charging points (prior approval)</b></p> <p>No dwelling shall be first occupied until electric vehicle charging points have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
11.	<p><b>Construction method statement</b></p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> <li>(a) A site set-up plan during the works;</li> <li>(b) Parking of vehicles of site operatives and visitors;</li> <li>(c) Loading and unloading of plant and materials;</li> <li>(d) Storage of plant and materials used in constructing the development;</li> <li>(e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;</li> <li>(f) Any temporary access arrangements to the site, and any temporary hard-standing;</li> <li>(g) Wheel washing facilities;</li> <li>(h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</li> <li>(i) A scheme for recycling/disposing of waste resulting from demolition and construction works;</li> <li>(j) Hours of deliveries and preferred haulage routes;</li> <li>(k) Incorporation of the environmental safeguarding measures in the approved Abricon Ltd Preliminary Ecological Appraisal August 2021 001SOVE100</li> </ul> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
12.	<p><b>Layout and design standards</b></p> <p>The detailed layout of the site shall comply with the Highway Authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design shall be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.</p> <p>Reason: In the interest of providing adoptable infrastructure, road safety and flow</p>

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	<p>of traffic. 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), and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
13.	<p><b>Footway provision</b></p> <p>The use shall not commence until the following has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>A footway on the northern side of the access road from Newtown Road into the site;</li> <li>The footway on the southern side has been resurfaced;</li> <li>A set of dropped kerbs and tactile paving is provided across the access road from Newtown Road;</li> <li>Any statutory undertaker's equipment or street furniture located in the position of the works shall be re-sited.</li> </ul> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
14.	<p><b>Visibility splays (provision)</b></p> <p>No dwelling shall be first occupied until visibility splays at the access have been provided in accordance with the approved plans. Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.</p> <p>Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
15.	<p><b>Parking (prior approval before occupation)</b></p> <p>No dwelling shall be occupied until vehicle parking and turning spaces, including any surfacing arrangements and marking out, have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring of private cars and/or private light goods vehicles at all times.</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>
16.	<p><b>Cycle parking/storage (approved plans)</b></p> <p>No dwelling shall be occupied until cycle parking/storage facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</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</p>

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	2014).
17.	<p><b>Refuse Storage</b></p> <p>No dwelling shall be occupied until storage for refuse and recycling receptacles has 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 that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. 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 the West Berkshire Quality Design SPD (Part 1, Section 2.13).</p>
18.	<p><b>Drainage</b></p> <p>No dwelling shall be occupied until the drainage measures have been provided in accordance with the approved drawings and documents. Thereafter the drainage shall be maintained.</p> <p>Reason: To ensure that surface water is managed in a sustainable way in accordance with policy CS16 of the West Berkshire Core Strategy 2006-2026, the Supplementary Planning Document Sustainable Drainage, and the National Planning Policy Framework.</p>
19.	<p><b>Air Source Heat Pump and Sustainable Construction</b></p> <p>No dwelling shall be occupied until the air source heat pump or pumps for the hot water demand of the development has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and type of air source heat pump or pumps and evidence/confirmation that it or they can provide hot water for all units.</p> <p>Reason: To ensure that onsite renewables to reduce carbon emissions are provided in accordance with policy CS15 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.</p>
20.	<p><b>Biodiversity measures</b></p> <p>The development shall be undertaken in accordance with the Appraisal Ltd Preliminary Ecological Assessment for clearance and construction to follow a precautionary method of working in Appendix E and no breathable roofing membrane shall be used on the buildings.</p> <p>No dwelling shall be occupied until the biodiversity enhancements have been provided in accordance with the Abricon Ltd Ecological Appraisal paragraph 6.9.2 and Appendix D for one bat box and one bird box on each of the buildings, as well as 10 swift boxes on the north and eastern sides of the buildings at a height of over 5 metres.</p> <p>Reason: To ensure biodiversity mitigation and enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
21.	<p><b>Lighting strategy</b></p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>(e) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</li> </ul>

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	<p>(f) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.</p> <p>(g) Include isolux contour diagram(s) of the proposed lighting.</p> <p>(h) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</p> <p>(i) Be informed by the recommendation of 6.4.2 of the Abricon Ltd Ecological Appraisal.</p> <p>No external lighting shall be installed on site except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
22.	<p><b>Time limit on development before further surveys are required</b></p> <p>If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within a year from the date of the planning permission, the approved ecological measures secured through Condition 20 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of bats and (ii) identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (or, in the case of the suspension of development after commencement prior to the development resuming). Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p><b>IMPORTANT:</b> If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence or continue. Advice should be sought from Natural England and/or a suitably qualified ecologist.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
23.	<p><b>Hard landscaping (prior approval)</b></p> <p>No dwelling shall be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</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>

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24.	<p><b>Soft landscaping (approved plans)</b></p> <p>All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme Planting Plan and Schedule PP-001 within the first planting season following completion of building operations / first occupation of a new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</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>
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### *Informative*

1.	<p><b>Solar Power</b></p> <p>The applicant should consider the potential for a community solar power scheme to be provided as part of the development.</p>
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### *Heads of Terms for Section 106 Agreement*

1.	<p><b>Affordable housing</b></p> <p>Provision arrangements to be agreed. 30% of the overall number of homes to be provided as affordable housing through a registered provider.</p>
2.	<p><b>Public open space</b></p> <p>Provision arrangements to be agreed. Contribution for off-site provision and management based on the calculation in the Planning Obligations SPD, £13,130.</p>
3.	<p><b>Public Rights of Way</b></p> <p>Provision arrangements to be agreed. Commuted sum of £5,860 for off-site Bridleway upkeep from additional use from residents (including the extension required as part of the development by the Highways Authority).</p>

### *Refusal Reasons*

2.	<p><b>Planning obligation</b></p> <p>The application fails to provide an appropriate planning obligation to mitigate the impact of the development with regard to affordable housing, public open space, and public rights of way. The District has a high affordable housing need and an affordability ratio above the national average. Public open space and upgrades to the public rights of way are required from the development. Without these planning obligations the proposed development conflicts with policies CS5, CS6, CS13, and CS18 of the West Berkshire Core Strategy 2006-2026, policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan Saved Policies 2007, the Planning Obligations SPD and the National Planning Policy Framework.</p>
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*(The meeting commenced at 6.30pm and closed at 9.30pm)*

**CHAIRMAN** .....

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