

# DRAFT

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

## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 15 JULY 2015

**Councillors Present:** Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Quentin Webb and Emma Webster

**Also Present:** Robert Alexander (Policy Officer), Gareth Dowding (Senior Engineer), Bob Dray (Senior Planning Officer), Joe Dray (Principal Officer - Environmental Quality), Jeanette Guy (Senior Environmental Health Officer), Liz Patient (Solicitor) and David Pearson (Team Leader - Development Control)

**Apologies for inability to attend the meeting:**

**Councillor(s) Absent:**

#### PART I

#### 13. Minutes

The Minutes of the meeting held on 24 June 2015 were approved as a true and correct record and signed by the Chairman subject to the following amendment:

**Item 1 (Trijonet, Bere Court Road, Pangbourne) Page 8 of the Agenda, the final bullet point**, should be changed from "...The single access to the site on a narrow road as well as its close proximity to Pangbourne Hill was a concern, and a tightly enforced condition was required to manage this."

To read:

"...the single access to the site on a narrow road, **which could only be accessed by Pangbourne Hill**, would require a tightly enforced condition to manage"

#### 14. Declarations of Interest

Councillors Emma Webster, Alan Macro, Tim Metcalfe, Keith Chopping and Peter Argyle declared an interest in Agenda Item 4(3), but reported that, 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.

#### 15. Schedule of Planning Applications

##### (1) **Application No. & Parish: 14/03036/COMIND Blacks Lake, Paices Hill, Aldermaston, Reading, RG7 4PG**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 14/03036/COMIND in respect of a part retrospective application for continued use of land for race meetings and permanent retention of laid out track, buildings and structures. Bob Dray outlined the report and the update report. Councillor Graham Pask asked if Members of the Committee had any points they would like clarified before hearing from those wishing to speak on the matter.

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Councillor Graham Bridgman enquired about the spacing of 14 days racing a year and whether this would mean frequency becoming too much during certain times of the year. Bob Dray responded that imposing a condition that required 3 weeks between events was considered; however, it was felt that, on balance, this did not meet the six tests used to examine whether conditions on planning applications were sound, because it would unreasonably restrict the use of the site.

*Councillor Richard Crumly joined the meeting at 6:50pm*

Councillor Crumly was advised not to take part in the debate or vote on Item 4(1) as he had missed the presentation by the Planning Officer.

In accordance with the Council's Constitution, Mr D Shirt, Parish Council Representative, Mr Nicholas Bundy, Objector, Mr Malcolm C Roberts, Applicant and Councillor Dominic Boek, Ward Member, addressed the Committee.

Councillor Graham Pask asked Members to give their approval on the changing of the speaking order due to Mr Shirt not being in attendance, due to suspected traffic congestion. All Members agreed.

Mr Nicholas Bundy, Objector, in addressing the Committee raised the following points:

- This was a major application over three hectares
- Meetings typically took place on a Sunday and Bank Holiday and the noise impact did affect nearby properties.
- Central Government policy stated that local green space should be kept.
- There was a question whether the site would benefit a stronger local economy or if it was just a benefit to the operator.
- The unauthorised residential use was excluded from the application; however it would still be a problem if the application was approved.
- Mr Bundy urged Members to refuse the development and use of the site due to noise, traffic and environmental issues.

Councillor Graham Bridgman enquired whether Mr Bundy had made a complaint in regards to noise on the site. Mr Bundy responded that he personally had not, as he was not a resident near the site, he was speaking on behalf of nearby residents.

Mr David Shirt, Parish Council Representative, in addressing the Committee raised the following points:

- He felt that inadequate attention had been paid to the Parish Council's objections in the Planning Officer's report.
- If Members were to approve the application, there should be a noise relevant condition, one that stipulates the maximum noise level appropriate for motor sport.
- The applicant continued to hold race meetings and used the site for unauthorised residential use.
- The 31 supporters were all from outside West Berkshire, whereas the 6 objectors were from Aldermaston.
- With regard to cumulative traffic, paragraph 6.7.3 referred to application 00/00644/FUL but failed to mention the approved planning application for Mineral Extraction at Lower Farm, Wasing.
- The National Planning Policy Framework (NPPF) favoured sustainable development, unless adverse impacts outweighed the benefits; it was felt in this instance that the adverse impacts were suffered by parishioners which outweighed the benefits.

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Councillor Tim Metcalfe queried where the residential site was, as he could not see it at the site visit. Mr Shirt explained that it was on the right hand side of the banger racing track. Bob Dray informed Members that it was outside the location plan (red line) and therefore was not relevant to the application.

Councillor Bridgman asked whether Mr Shirt accepted that, had a break of five years not occurred, then the application would not have required to return to the planning process. Mr Shirt responded positively.

Mr Malcolm C Roberts, applicant, in addressing the Committee raised the following points:

- The Planning Application in 1993 was for 20 racing days a year and was approved; however Condition Two stipulated that it should only take place on 14 days a year.
- An email exchange with an enforcement officer in November 2010 said that the repair and refurbishment of the track was acceptable, as was the erection of a concrete sound barrier.
- Sustainable businesses, such as this one, should be assisted in growing.
- The Planning Officer acknowledged that the site was acceptable in planning terms.
- There were 157 similar tracks around the country that had racing from one to seven days a week – a site that was familiar with the Planning Officer was in Newcastle which had residential properties situated 50 metres away.
- The Environmental Health Officer raised no objections and made a noise recommendation based on the Motor Cycle Sport Code of Practice.
- There was a 4x4 club that were able to practice 28 days a year, and the noise would not be much different from the race track.

Councillor Alan Macro queried how many cars were on the race track at any one time. Mr Roberts responded that the maximum would be 25, however on average there were 13 to 15.

Councillor Emma Webster enquired what the applicant thought an acceptable level of noise was for residents. Mr Roberts admitted that he was unable to answer the question as people might be sensitive to different noises. Mr Roberts did acknowledge that they would abide by the results of a noise survey.

Councillor Webster sought clarification that the conditions put on the application would be adhered to, as previous ones had not been. Mr Roberts said that he would keep to any conditions put on the application and explained that he had not been at the site when previous conditions had been broken. Councillor Webster further asked for certainty that no racing would take place until the conditions - that were required to be complied to before racing took place - had been met. Mr Roberts informed the Committee that racing stopped as soon as it was found he did not have the planning permission and that all required conditions would be met before racing commenced again.

Councillor Keith Chopping enquired how many races would take place on a day and how long they lasted. Mr Roberts explained that a race could last up to 7 minutes, but typically lasted 3 to 4 minutes and there could be up to 20 races a day; starting at 12noon and finishing between 5pm and 6pm. Mr Roberts further mentioned that racing rarely started before noon as all vehicles had to undergo safety checks.

Councillor Bridgman referred to Mr Roberts' response in relation to stopping racing once he found that planning permission no longer existed. Councillor Bridgman brought Mr Roberts' attention to the 2014 racing schedule that showed 21 races. Mr Roberts informed the Committee that he had asked the Council if the races could continue as

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they had already been scheduled and would result in a loss of income. The Council responded favourably.

Councillor Quentin Webb queried why Mr Roberts had generated a schedule with 21 race events on, despite being aware of planning permission for only 14. Mr Roberts explained that the racing schedule was over two racing years.

Councillor Alan Law asked whether 14 days racing would be viable seeing as the application was for 20. Mr Roberts did not believe that it would be viable; however it would cover the costs.

Councillor Dominic Boek, speaking as Ward Member, in addressing the Committee, raised the following points:

- There were a number of reasonable arguments for and against the proposal.
- Those against focussed on the amenity and impact it would have.
- The facility was not used by the local community, but by those travelling from afar.
- Impact was the effect of the noise on a Sunday. Councillor Boek admitted to living two miles away and was able to hear the noise.
- Traffic on the A330 was noticeable, the constant noise from banger racing certainly would be.

Councillor Pamela Bale drew attention to page 19 of the report, in particular, in relation to the contribution to the local economy and asked Councillor Boek whether he thought this was the case. Councillor Boek opined that there was income to be made on the site by locals and there was a possibility for local amenities to benefit from the races. Councillor Bale further asked whether any local people were directly employed by the site. Councillor Boek admitted he was unsure, but believed it to be mainly friends and family.

The Chairman asked Bob Dray to clarify a number of points raised by the speakers before allowing Members to debate and ask questions to officers.

Bob Dray raised the following points in relation to those that had been made by the speakers:

- Representations from outside West Berkshire were still considered to be valid representations.
- With respect to the cumulative impacts with approved gravel extraction at Wasing, page 3 of the update report showed the increase in traffic movements as being minimal and the only conflict would appear on Saturday Mornings.
- The 4x4 trials in the local area were allowed under permitted development rights which permit a temporary use for up to 28 days in any given year before an application was required.

Councillor Alan Law asked whether Conditions 10 and 11 could be made stronger as they appeared unclear. Bob Dray responded that if Members were minded to approve the application the conditions would be tightened to reflect this.

Councillor Marigold Jaques enquired whether permission could be granted on a temporary basis so its impact could be monitored. Mr Dray responded that such conditions were possible, but the Planning Practice Guidance advised against temporary consents in most situations, and in this case the activities had already been taking place. Councillor Alan Macro asked whether the development of Country Park was taken into consideration as a material change and if it would affect any conditions. Mr Dray explained that the country park had been taken into account and that it was a case of balancing the merits of the proposal against any such impacts. Given that the activities would be subject to greater control, it was considered that the balance was acceptable.

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Councillor Bridgman queried how the enforcement would take place to ensure that there was a limit to the number of days per year that racing took place. David Pearson explained that the Council would be reliant upon residents to inform the Council if any planning conditions had been breached.

Mr Pearson elaborated on a point made earlier in relation to the amount of events that had taken place in 2014. Mr Pearson explained that after the enforcement appeal in 2014 the applicant approached the planning service and explained events had been booked and asked for a dispensation. Planning granted the dispensation and when that ran out, as far as officers were aware, racing stopped.

Councillor Macro referred to the mention of the Operational Management Plan and asked how enforceable it was. Bob Dray responded that management plans such as these were frequently used when conditions were placed on planning permissions. If a breach was identified the Council's enforcement officers would be able to use a Breach of Condition notice. Environmental Health officers would also be able to consider complaints under statutory nuisance legislation.

Jeanette Guy, Senior Environmental Health Officer (EHO) brought Members' attention to the question asked on acceptable noise. Ms Guy explained that it was inevitable that noise would be heard which would lead to an impact on neighbouring properties, however this would be affected by wind direction, crowds and other factors. She further informed the Committee that no formal complaints had been received with regard to noise nuisance emanating from the site.

Councillor Quentin Webb enquired what a formal complaint was. The EHO responded that a formal complaint was classified as any contact with the Council, via telephone, email, online etc. Councillor Macro wondered whether the lack of complaints was due to the events taking place on weekends and the Council offices being closed.

Councillor Macro questioned how far away 25 vehicles at 95 decibels could be heard. The EHO explained that over distance noise was reduced, as well as the fact that the cars would be at different points in the track which would effect the amplification of noise from vehicles. Joe Dray commented that 95 decibels x 25 cars was not how it added up and that in real terms it might only add an extra 3 to 5 decibels at the track.

Councillor Webster asked at what level the music system was being played at and whether there could be a condition that restricted announcements to emergencies only when the races were not taking place. David Pearson said that if Members were so minded they could include conditions prohibiting amplified music on site. He mentioned though that what was deemed a statutory nuisance had a higher threshold than what were considered unacceptable in general planning 'amenity' terms. Planning inspectors had at times refused something which omitted noise as low as clay pigeon shooting.

Councillor Law believed the application to be interesting and overall balanced. Councillor Law further mentioned that a lot of the permission was to take place outside the meeting, such as the operational plan and the professional officers would take hold of this. Councillor Law recommended approval for 14 days racing to take place, subject to Condition 10 and 11 being tightened up to ensure that races only take place on a maximum of 14 individual days per year.

Councillor Tim Metcalfe seconded the proposal.

Councillor Bridgman explained that he would not have a problem approving the application at the 20 days requested by the applicant.

Councillor Macro expressed his unease at the application due to Country Park being close by and felt it would hinder peoples' enjoyment of the Park.

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Councillor Bale asked whether the Operational Management Plan had to be in place before any racing could take place. Bob Dray responded that this was correct.

David Pearson mentioned that if Members wanted to, they could include a condition that racing was not to take place over consecutive weekends. The Chairman asked Councillor Law, as the proposer whether this was acceptable to him, Councillor Law thought it was a good condition and asked that it be included ; however Councillor Law explained he would not be proposing 20 days as Councillor Bridgman suggested.

The Chair in summarising, informed Members they were voting on whether to grant planning permission for 14 days of racing a year, subject to the conditions in the report – with condition 10 and 11 being tightened – and the extra condition of no racing on consecutive weekends.

**RESOLVED that** The Head of Planning and Countryside be authorised to **GRANT** planning permission subject to the following conditions:

### Conditions

#### 1. Limits of Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), the site shall not be used for any purpose except for motor car racing, practice sessions and incidental activities. The use hereby permitted shall not take place outside the red line shown on the 1:2500 Location Plan.

Reason: Any other use may not be acceptable on the site, in the interests of promoting sustainable development, neighbouring amenity, and highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### 2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following plans: Location Plan, Site Plan & Block Plan, Marshall Cabins x 2 (MCR/005/AR), Toilet Block B (MCR/006/AR), Toilet Block A x2 (MCR/007/AR), Race Control (MCR/008/AR), and Snackvan (MCR/009/AR).

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

#### 3. Operational Management Plan

No racing events or practice sessions shall take place until an Operational Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall cover all operations taking place on site in connection with the approved use, including but not necessarily limited to:

- (a) Details of the types (formulas) of racing cars to use the site, silencer details, and any other vehicle parameters or noise mitigation measures specific to individual types of vehicle;
- (b) Procedures for noise testing of vehicles;
- (c) The number of vehicles in operation simultaneously

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- (d) The operation of public address systems or other acoustic amplification equipment;
- (e) The location and maintenance of noise barriers;
- (f) Communication with the public about events;
- (g) Procedures to prevent any contamination of the site (e.g. from waste oils);
- (h) Procedures for responding to an incident at AWE Aldermaston (in accordance with the AWE Emergency Plan).

The site shall not be used for the permitted use except in complete accordance with the approved Operational Management Plan.

Reason: To protect neighbouring amenity. A pre-condition is required because an Operational Management Plan has not been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 4. AWE Emergency Plan

No development shall take place until a site-specific Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall detail the measures to be implemented at the premises in the event of an incident at AWE Aldermaston.

The Emergency Plan shall be kept up-to-date by the site operator. The Plan may be amended at any time by way of a written submission to the Local Planning Authority pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; and the amended plan shall be submitted to the Local Planning Authority within 1 month of notice being given.

No racing events or practice sessions shall take place except in complete accordance with the latest approved Emergency Plan.

Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, and to ensure that the development hereby permitted does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy (2006-2026).

### 5. Site Entrance Plan

No racing events or practice sessions shall take place until a drawing showing accurate, scaled, details of the site entrance, together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The drawing shall show the width of the entrance and be overlain with visibility splays in both directions along Paices Hill. The site entrance shall be provided in accordance with the approved drawing and the timetable for implementation. Thereafter, the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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Reason: To ensure that the site entrance is suitable and safe, in the interests of highway safety. A pre-condition is required because the entrance detailed on the submitted site plan provides insufficient accuracy. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **6. Landscaping**

No racing events or practice sessions shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall incorporate any changes to the frontage of the site onto the A340 required as a result of providing visibility splays at the vehicular access. The landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations to the site access. 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 landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: A comprehensive landscaping scheme is necessary to ensure site access improvements do not have an adverse visual impact along the A340. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP6, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

### **7. Parking Plan**

No racing events or practice sessions shall take place until a parking plan has been submitted to and approved in writing by the Local Planning Authority. Parking spaces should measure 2.4 x 4.8 metres, and at least 6 metres must be provided for intervening aisles. No racing events or practice sessions shall take place until the parking spaces have been provided in accordance with the approved plan. The parking spaces shall thereafter be kept available for parking during race events.

Reason: To ensure that the site is provided with sufficient parking arrangements, in the interests of highway safety. A pre-condition is required because the parking detailed on the submitted site plan provides insufficient accuracy. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **8. Sustainable Drainage**

No racing events or practice sessions shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

(a) Incorporate sustainable drainage principles to deal with surface water run-off from the areas of hard-standing within the application site;



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- (b) Incorporate an attenuation scheme to ensure that pollutants are not discharged into surface waters (this could be a conventional oil interceptor added in line, or alternatively some form of sustainable drainage system that caters for oil interception or attenuation);
- (c) Include a timetable for the implementation and provision of such measures.

The surface water drainage shall thereafter be provided and retained in accordance with the approved details and timetable.

Reason: To ensure that surface water will be managed in a sustainable manner, and to ensure that pollutants are not discharged into surface waters. A pre-condition is required because insufficient details have been submitted with this application. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design – Part 4 Sustainable Design Techniques (June 2006).

### **9. Ecological Management Plan**

No racing events or practice sessions shall take place until an ecological management plan for the adjacent ponds and trees (including implementation timetable as appropriate) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved ecological management plan shall be implemented in full.

Reason: To ensure the protection and enhancement of the adjacent pond and trees. A pre-condition is required because insufficient details have been submitted with this application. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **10. Racing Event Restrictions**

Racing events shall only take place on Saturdays, Sundays or Bank Holidays, no racing events shall take place on weekdays (except Bank Holidays). No more than 14 racing events shall take place in any given year. Individual racing events shall each last no more than a single day, and shall not be held on consecutive days or weeks. No racing shall take place outside the hours of 10am to 6pm. No competitors, spectators or other visitors to the event shall be on site before 8am or after 8pm.

Reason: To protect neighbouring amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **11. Practice Session Restrictions**

Practice sessions shall only take place on Mondays to Fridays, no practice sessions shall take place on Saturdays, Sundays or Bank Holidays. During practice sessions, no more than 1 vehicle shall use the track at any one time. No practice session shall take place outside the hours of 8am to 5pm. No public address system, or other amplified acoustic equipment, shall be used during practice sessions.

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Reason: To protect neighbouring amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### Informatives:

#### 1. Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Sought to make development acceptable through the use of planning conditions, which would otherwise be unacceptable.
- d) Responded to the applicants' representations on the reasonableness of proposed planning conditions.

#### 2. Consent to enter land

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order use the site, construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

#### 3. Discharging of pollutants

It is an offence under the Environmental Permitting Regulations 2010 to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.

#### 4. Emergency Plan advice

For queries relating to the content of the site-specific Emergency Plan, please contact the Civil Contingencies Team, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD. Tel: 01635 519111, Email: [emergencyplanning@westberks.gov.uk](mailto:emergencyplanning@westberks.gov.uk). Please quote the application reference.

### **(2) Application No. & Parish: 15/00356/HOUSE 1 Bethesda Street, Upper Basildon**

This item was deferred following further consultation.

### **(3) Application No. & Parish: 15/00807/FULC Wickcroft Farm, Pangbourne Road, Theale, RG7 5EA**

*The meeting adjourned at 8:07pm and restarted at 8:12pm*

*Councillor Emma Webster declared a personal interest in Agenda Item 4(3) by virtue of the fact that she had frequently shopped at the Farm Shop. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.*

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*Councillor Alan Macro declared a personal interest in Agenda Item 4(3) by virtue of the fact that he had been present at Theale Parish Council when they had discussed the application and had bought produce from the Shop in the past. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.*

*Councillor Tim Metcalfe declared a personal interest in Agenda Item 4(3) by virtue of the fact that he had once employed Mrs J Field's (a supporter of the application) husband. 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 Keith Chopping and Peter Argyle declared a personal interest in Agenda Item 4(3) by virtue of the fact that they had frequently shopped at the Farm Shop. 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.*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 15/00807/FULC in respect of a re-use and adaptation of existing redundant agricultural buildings to a shop, associated dry storage and cold storage of produce and ancillary goods and materials, cafe to include WC, the provision of parking a new footpath linking Wickcroft Farm to Englefield Road. David Pearson outlined the report and the update report. Mr Pearson mentioned that should Members be minded to approve the report he would have to inform the Development Control Manager and that it might have to be referred up to the District Planning Committee. Councillor Graham Pask asked if Members of the Committee had any points they would like clarified before hearing from those wishing to speak on the matter.

Councillor Alan Macro commented that the application appeared similar to one that went to District Planning Committee in regards to a Farm Shop at Hungerford. David Pearson responded that he was aware of the Hungerford application, but commented that this was a fundamental change that was being sought.

Councillor Peter Argyle sought clarification on whether it was possible to condition the shop on what it sold. Mr Pearson responded that it was possible, however it would be seen as difficult to enforce as the Council did not have the resources to be checking. David Pearson also mentioned that the difficulty with this application is that under permitted development rights the shop might change to have a different use (A1-B1) and therefore, under different owners it could change to have a different business. The Chairman enquired whether removing permitted development on the site would allow these to stop taking place. Mr Pearson responded that it was, however it was challengeable and might be difficult to defend.

Mrs Jo Fielder and Mr Edward Crookes, supporters of the application, in addressing the Committee raised the following points:

- Mrs Fielder was the founder of the Farm Shop and set it up to educate Members of the public on food and locally sourced produce.
- The shop had a positive effect on the local economy, as well as growing considerably itself.
- The shop was linked to the farm as the Farmer and Wife were Directors of the shop, it was also linked to Englefield Estate.
- By not allowing the expansion, it would threaten the business by stifling growth.

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- Mr Crookes felt if the application was approved it would assist the thriving economy.
- There was a concern that planning officers had negatively interpreted policy.
- NPPF paragraph 28 supports over looking local plans in a support of the economy.
- Policy CS10 of West Berkshire Council's local plan stated that support would be given to those developments looking to diversify the rural economy.

Councillor Emma Webster queried whether it was true that no produce is supplied by the farm due to the demise of the dairy operation. Mrs Field responded that this was correct.

Mr Tom Newey, applicant, in addressing the Committee raised the following points:

- There were a number of merits to the application.
- The Farm Shop was named Farm Shop of the Year last year and was continuing to grow and develop as a business.
- Growth of the business meant more space was required.
- Conservation and Archaeology officers supported the application.
- The development would allow the installation of a butchery which would bridge the link with Wickcroft Farm again.
- The money made was invested back into the local economy. About 70% of produce is bought within a 30 mile radius of the shop.
- In all it was seen as a modest proposal, in accordance with national planning policy and supported by Englefield and Theale Parish Council and appearing in the latter's plan.

Councillor Keith Chopping enquired whether the applicant would be happy for a condition to be made that would stop the farm shop becoming a Sainsburys or a Coop further down the line. Mr Newey was happy to work with Officers to make a condition that worked for both the Council and himself.

Councillor Quentin Webb noted that the growth in area size was quite considerable and questioned whether this was to hold a bigger stock or a wider range of produce. Mr Newey responded that it was for both reasons and the store would have a delicatessen and a large butchery.

Councillor Graham Bridgman enquired why the application was not brought to Planning Officers sooner due to the condition in the previous application being broken when the shop stopped stocking 50% of goods produced from the Farm. Mr Newey explained that the condition was broken four years ago due to the "Kill and Cut" service being withdrawn and he had been engaged with the Council in discussions for the past four years. Councillor Bridgman followed up with asking, if Members were to approve the application whether a formal agreement would be made with the farm to supply meat for the butchery. Mr Newey said the shop would have capacity to do the work if a butchery was approved.

Councillor Pamela Bale commented that it was not a Farm Shop, but a new shop and would be more beneficial in a local village. Mr Newey accepted Councillor Bale's point but explained that public perception of a Farm Shop was not just the sale of farm goods. Councillor Bale further asked why the shop was opening in a rural location. Mr Newey responded that the buildings were already there and he saw it as a good use to preserve these buildings.

Councillor Macro asked whether the applicant would be happy to do an annual return to Council on where their produce was sourced from. Mr Newey said he would be more than happy to do this and that he already had all the information recorded.

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Councillor Webster explored whether there were any training programmes for people looking for employment. Mr Newey said that they would be supportive of this as their Shop Manager was a 21 year old who had been developed through the business.

Councillor Richard Crumly enquired what the comparison between this site and the one at Hungerford was in size and produce. Mr Newey said that they were similar, but this site did not have a fish mongers nor was there any aspiration to have a play area for children.

Councillor Keith Chopping, speaking as Ward Member, in addressing the Committee raised the following points:

- 12 years ago the original application for a Farm Shop came to the committee and Members went against Officer's recommendation. The result had seen the shop grow from strength to strength.
- The only objection was from Officers.
- The shop serves people from Englefield and Theale Parishes.
- It is an idyllic proposal and an excellent use of buildings.

David Pearson reiterated Officers recommendation for refusal by outlining that the proposal was not for a Farm Shop, but rather a new application for a shop on a farm. He explained that it was a new retail business that had no specific reason to be on the site.

Councillor Chopping countered David Pearson's recommendation by explaining that it was a great location and there were no butchers or greengrocers in Theale or Englefield and this would serve both communities equally well.

Councillor Alan Law commented that he could not see this as a new shop in the countryside, which would be contrary to policy, rather he saw it as an evolution of an existing shop with the butchery providing the farm shop link with the farm.

Councillor Alan Macro did not believe the shop would have any impact on the shops in Theale as Theale did not have a greengrocers or a butchers. Councillor Macro further added that the shop was already popular with residents of Theale.

Councillor Pamela Bale opined that the Parish Council in Pangbourne would have objected if it had been consulted as it was felt this shop had potential to take business out of Pangbourne.

Councillor Keith Chopping recommended approval, subject to conditions set out by the Officers. Councillor Emma Webster seconded the approval.

**RESOLVED that** The Head of Planning and Countryside be authorised to **GRANT** planning permission subject to the following conditions:

### Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the approved drawing numbers:

745.12.1-P/001Y, 745.12.1-P/003V, 745.12.1-P/005P, 745.12.1-P/006Q,  
745.12.1-P/004Q, 745.12.1-P/008Q, 745.12.1-P/009A, 745.12.1-S/011V,  
745.12.1-S/012W, FMH-059L001D-Sheet 1 and FMH-059L001D-Sheet 2,  
received on 24 March 2015.

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

3. The use of the premises hereby permitted is to be restricted to the following hours:

09:00 to 18:00 Mondays to Saturdays;  
10:00 to 16:00 Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026).

4. Notwithstanding the provisions for shops and cafes of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development which would otherwise be permitted by Schedule 2, Part 3 or Part 7 of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policies ENV24 and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006).

5. No development shall take place until details of the external lighting to be used in the areas around the building hereby permitted for conversion have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the use hereby permitted is commenced. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition.

Reason: The wider area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

6. No development shall take place until samples, and an accompanying schedule, of the materials to be used in the restoration of the external surfaces of the building and hard surfaced areas hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies ENV19 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Supplementary Planning Document Quality Design (June 2006).

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7. Existing roof tiles from the main roof, which need to be removed as part of the restoration, shall be reused in the proposed works. Where the use of reclaimed roof tiles are required to be used where insufficient numbers of salvageable roof tiles are available, no development shall take place until a sample of reclaimed roof tiles has been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

8. No development shall take place until details of the rooflights to be installed in the building have been submitted to and approved in writing by the Local Planning Authority. Rooflights are to be conservation type, fitted flush with or below the roof covering. The rooflights shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

9. No demolition or clearance works shall take place to the barn until the applicant has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that an adequate record is made of these buildings of architectural, historical or archaeological interest. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

10. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development.

- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

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Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV19 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Supplementary Planning Document Quality Design (June 2006).

11. Prior to any works commencing on site, (including roof stripping or removal of weather boarding) an ecological enhancement plan for bats and breeding birds (as described in Appendix 5 of the Wickcroft Farm Scoping and Bat Survey report by europaeus land management services and dated Ver. 1.0, 25-9-12 and referred to in the Protected Species (Bats) Survey Report by the same company and dated Ver. 1.0,23-2-15) will be submitted to the Local planning Authority for approval. Such approved enhancement measures will be implemented in full and shall be maintained thereafter.

Reason: To ensure the protection of Bats and Birds, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

12. No development or other operations shall commence on site until a scheme of works or such other steps as may be necessary to minimise the effects of odour and noise from the preparation of food associated with the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

13. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:
  - (a) The parking of vehicles of site operatives and visitors
  - (b) Loading and unloading of plant and materials
  - (c) Storage of plant and materials used in constructing the development
  - (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
  - (e) Wheel washing facilities
  - (f) Measures to control the emission of dust and dirt during construction
  - (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).



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14. The development shall not be brought into use until the visibility splays at the access have been provided in accordance with the approved drawing. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of one metre above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

15. No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The development shall not be brought into use until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. No development shall take place until details of a Delivery Management Plan have been submitted to and approved in writing by the Local Planning Authority. Thereafter the Delivery Management Plan shall be adhered to and retained for the purposes of deliveries to the store at all times.

Reason: To ensure that there is adequate and safe manoeuvring and parking space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan.

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

Reason: To promote cycling by providing convenient and safe bicycle storage and to ensure that there is adequate and safe cycle parking and storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. The new shop shall not commence trading until all trading from the existing shop has ceased. Once trading has ceased the existing shop shall not be used for any other purpose other than agriculture unless permission has been granted in respect of a planning application.

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Reason: To prevent overdevelopment of the site and the and creation of a separate planning unit at Wickcroft Farm (in addition to that approved) would be unacceptable in the interests of ensuring a sustainable pattern of development. As well as to ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS10, CS11, CS13 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

19. The development shall not be brought into use until the proposed footpath has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To promote walking and cycling by providing an off road route from Theale to the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

This decision has been taken having regard to the policies and proposals in the West Berkshire District Local Plan 1991-2006 (WBDLP), the Berkshire Structure Plan 2001-2016 (BSP), the Waste Local Plan for Berkshire 1998-2006, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies:

### INFORMATIVE:

1. The applicant's attention is drawn to the fact that any conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met.
3. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the **Customer Call Centre** on: 01635 519111
4. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be

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

- 5. To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.
  - a. In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
  - b. Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (out side the canopy drip line) and down hill of the trees if on a slope, to avoid contamination of the soil.
  - c. To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
  - d. If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil
  - e. If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.
  - f. If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.
- 6. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**17. Appeal Decisions relating to Eastern Area Planning**

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

**18. Site Visits**

Members noted that the next Site Visits would take place on Tuesday 28<sup>th</sup> July at 9:30am.

*(The meeting commenced at 6.35 pm and closed at 9.40 pm)*

**CHAIRMAN** .....

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