

# DRAFT

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## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 28 APRIL 2021

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

**Also Present:** Sharon Armour (Solicitor), Paul Goddard (Team Leader - Highways Development Control), Cheyanne Kirby (Planning Officer), Jenny Legge (Principal Performance, Research and Consultation Officer), Masie Masiwa (Planning Officer), Gordon Oliver (Corporate Policy Support) and Simon Till (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Howard Woollaston

#### PART I

#### 52. Minutes

The Minutes of the meeting held on 17 March 2021 were approved as a true and correct record and signed by the Chairman.

#### 53. Declarations of Interest

Councillor Hilary Cole declared an interest in Agenda Item 4(1), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillors Phil Barnett and Tony Vickers declared an interest in Agenda Item 4(2), and reported that, as their interest was a disclosable pecuniary interest or an other registrable interest, they would be leaving the meeting during the course of consideration of the matter.

All Members of the Committee 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.

Councillor Phil Barnett declared an interest in Agenda Item 4(3), but reported that, as his 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.

#### 54. Schedule of Planning Applications

- (1) **Application No. and Parish: 20/03074/COND3, Mary Hare Grammar School, Arlington Manor, Snelmore Common, Chieveley**

*(Councillor Hilary Cole declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was a member of Chieveley Parish Council, and had attended the meeting where the item had been discussed. However, she would consider the application afresh in light of further information that had been submitted following the Parish Council*

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*meeting. 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.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/03074/COND3 in respect of an application for approval of details reserved by condition 15 (highways -cms) of approved 18/01161/COMIND - Construction of a single-storey primary school building and associated two-storey boarding house incorporating a part-lower ground floor area for use by Mary Hare Primary School (and to facilitate the relocation of the current Mary Hare Primary School from its current Mill Hall site); two-storey business centre comprising earmould manufacturing facility, audiology clinics, hearing aid repair shop (HARS) and conference centre rooms; single storey vocational classroom block for existing secondary school and single storey works facility to replace existing; formation of extended access road to primary school building; reconfiguration of existing car parking including provision of additional car/cycle parking; provision of new/reconfigured hard and soft landscaping to include a new external covered space to front of existing Blount Hall secondary school building; and other related works at Mary Hare Grammar School, Arlington Manor, Snelsmore Common, Newbury.
2. Ms Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission, subject to the conditions outlined in the main and update reports/for the reasons listed in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that he had nothing further to add to the points already raised by the Planning Officer. Changes had been made to the Construction Management Statement, which meant that construction traffic would no longer travel along the narrow Arlington Lane and therefore had overcome the objections. Highways Officers were content with all other aspects of the submitted Construction Management Statement.

### Removal of speaking rights

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
5. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
6. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from, Dan and Helen Brown, objectors,. Those able to attend the remote meeting were, Dan and Helen Brown
7. Individual written submissions were published online along with the agenda

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<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5743&Ver=4>

### Objectors' Submission

8. The Clerk read out the representation. Planning officers had summarised the multiple submissions as follows:

Welcome the change of management of traffic avoiding Arlington Lane, to implementing a one way system via Oxford Road and Wantage Road. Request that the Council consider the option of putting new permanent signage onto Arlington Lane to state that the single lane road, with no turning capacity is 'Not suitable for HGV's'. This signage will assist in two ways, firstly, there is subsidence on the weak bridge toward the top of the lane which has caused damage to the land owners fence and field (due to heavy goods vehicles passing through) and it will help to prevent further issues here as well as keep road users, cyclists, walkers and horse riders safer. In addition, it will assist the school in managing the traffic to the stated aims within their revised proposal and help prevent heavy goods vehicles from using the lane instead of their proposed access.

Mary Hare's own "Primary School Project Design and Access Statement April 2018" specifically warns against increased traffic on Arlington Lane for safety reasons.

Introduction: Public Consultation (from 20th Feb 2018):

"A Statement of Community Involvement documents the responses but in summary there was universal support for the proposals subject to being satisfied that any additional traffic would not exacerbate issues already experienced on Arlington Lane."

Site Constraints (p32)

"Potential for any new vehicular access from Arlington Lane directly into the field, or from the existing school access road that runs along the east boundary of the field, is limited due to narrow single lane carriageway of Arlington Lane, poor visibility at the junction."

Design Statement (p37) "avoiding impact of additional traffic to Arlington Lane."

Second point refers to the environmental impact the build has considering West Berkshire Council unanimously declared a Climate Emergency on 2nd July 2019.

The Primary School building at Mary Hare School is proposed to be built on a 1 in 5 steeply sloping site. Retaining the slopes alone require thousands of linear metres of walls made from tens of thousands of tonnes of reinforced concrete. Excavating down three metres across the site is required to remove and transport over a hundred thousands of tonnes of land. The buildings require further amounts of steel and are made up of brick and concrete.

The Design and Access Statement celebrates a 39% reduction in CO2 from reduced energy usage, it specifically mentions that the site prevents it meeting the planning policy requirement for all major developments to achieve Breeam Excellent status. The carbon (CO2) released from the concrete poured to enable a school to be built on such a sloping site dwarfs the benefits made from efficiency gains, for decades.

Due to the Climate Emergency, can the Council and The School confirm that, the use of flat and level sites that do not require thousands of tonnes of excavation and concrete retaining for a largely subterranean building have not been overlooked? The school has several flat, brownfield sites available at White Cottages and near the school's main entrance on the Oxford Road.

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### **Members' Questions to the Objectors**

9. Members did not have any questions relating to the written submission.

### **Ward Member Representation**

10. Councillor Hilary Cole in addressing the Committee raised the following points:

- The main concern regarding the application had been the access for construction traffic along Arlington Lane however, this issue had been resolved and therefore Councillor Cole had nothing further to add on this matter. Councillor Cole was satisfied with the amended Construction Management Plan and believed residents also shared this view.
- Councillor Cole referred to comments made by Objectors about the climate emergency and stated that this was not for consideration as part of the application. The only area for discussion was the traffic conditions.

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

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

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

12. Councillor Adrian Abbs asked for the drawing to be displayed that showed the access to the site. The drawing clearly showed the Oxford Road and he queried how it was intended traffic would get to the entry point of the site. He noted that traffic would not come off the A339 and then along Arlington Lane due to the issues raised regarding that route, however Councillor Abbs queried what would stop this occurring. Mr Goddard asked for clarification that Councillor Abbs was concerned about HGVs using Arlington Lane. Councillor Abbs noted that HGVs would not be able to enter the site via this route, however he queried how HGVs would get to the entry point and what the anticipated route was for these vehicles. Councillor Abbs asked for assurance that the route via the A339 and Arlington Lane would not be used.
13. In response to Councillor Abbs' query Ms Kirby stated that the agent had detailed in the Construction Management Statement that they would erect signage temporarily on Arlington Lane advising HGVs not to use the route. Delivery drivers would be informed of this and there would be a site officer directing vehicles. Delivery drivers would be provided with a pre-planned route to the entry point of the site. Councillor Abbs was satisfied with this response.
14. Councillor Carolyn Culver asked Officers if they were satisfied that the issues of concern regarding verges and hedgerows had been resolved. Councillor Culver further asked if it was anticipated that there would be any impact on the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) Reserve at Snelsmore Common, which was directly opposite the entrance to the construction site. Ms Kirby responded that because there were no longer plans to use Arlington Lane, Officers had no concerns regarding the verges along this route. The other two accesses were already used frequently by large vehicles.
15. Mr Simon Till referred to the point raised regarding the BBOWT Reserve and added that this would need to have been addressed as part of the full planning application, rather than the discharge of conditions application.

### **Debate**

16. Councillor Cole opened the debate by voicing that she was satisfied with the amendments that had been made to the discharge of conditions application, and

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believed objectors were of the same view. On this basis Councillor Cole proposed that Members accept officer recommendation to grant planning permission subject to the conditions listed in the main report and update report.

17. Councillor Abbs seconded the proposal by Councillor Cole. He stated that it was important that officer's ensured that the necessary signage was erected. There had been requests made by some residents for permanent signage to deter HGVs from using Arlington Lane, and Councillor Abbs felt that this needed to be followed up and actioned if possible.
18. Councillor Tony Vickers stated that he used Arlington Lane for circular walks around and beyond Snelsmore Common, and it was not suitable for HGV use. He suggested that the matter of it becoming a non HGV route permanently could be considered by the Transport Action Group or the Ward Member, preferably before work on the application site commenced.
19. The Chairman asked Officers if they were satisfied that Councillor Abbs' requests regarding signage were included within conditions. Legal Officer, Sharon Armour, explained that the issue of permanent signage was not a matter for the Committee. Regarding temporary signage, Ms Kirby had confirmed that the matter was included in the Construction Management Statement.
20. Councillor Hilary Cole advised the Committee that, as Ward Member, she would direct the request for permanent signage to Highways Officers.
21. The Chairman invited the Committee to vote on the proposal by Councillor Cole, seconded by Councillor Abbs to grant planning permission. At the vote the motion was carried.

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

### Conditions

#### 1. Condition 15

The details submitted in relation to Condition 15 are hereby approved by the Local Planning Authority. To fully comply with these conditions, the development must be carried out in accordance with the full terms of the conditions as set out in the decision notice, and in accordance with the following approved details:

Construction Management and Environmental Plan Dated 25/03/2021 Rev A received on 26th March 2021;  
Traffic Management Plan received on 26th March 2021.

#### (2) **Application No. and Parish: 19/02979/OUTMAJ, Land South of Tower Works, Ramsbury Road, Lambourn Woodlands, Lambourn**

*(Councillor Tony Vickers declared a potential personal and prejudicial interest in Agenda Item 4(2) by virtue of the fact that he was a member of Greenham Parish Council (GPC), which owned the freehold of Greenham Control Tower. Part of the function of the control tower was to act as a Cold War Museum, though to the best of his knowledge an enterprise similar to that proposed as part of this application had never been discussed by GPC. The management of the control tower was the responsibility of a separate charity Greenham Control Tower Ltd (GCTL). Councillor Vickers had no controlling interest in GCTL, nor did GPC have any say in how its asset was managed. However, he reported that should the decision hinge on the museum aspect, he would declare a disclosable pecuniary or an other registerable interest, and he would leave the meeting during the course of discussion of the matter.)*

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*(Councillor Adrian Abbs and Phil Barnett declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were members of Greenham Parish Council, which was promoting the use of the Greenham Common Control Tower as a Cold War Museum. However, they had not pre-determined the application and would consider it with an open mind. 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.)*

*(All Members of the Committee declared that they had been lobbied on Agenda Item 4(2).)*

22. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/02979/OUTMAJ in respect of Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale at Land South of Tower Works, Ramsbury Road, Lambourn Woodlands, Hungerford.
23. Mr Simon Till, Team Leader (Western Area Planning), introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion, the report detailed that on balance officers accepted the exceptional need for the development. As such, officers recommended that the Head of Development and Planning be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
24. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard highlighted two significant issues: traffic impact, and the sustainability of the location. He confirmed that the site layout and parking levels were acceptable, but those matters were reserved. He noted that transport statements had been submitted including a recent one with updated survey counts, which showed that there would be 160 additional vehicle movements per day from the proposal, including 38 HGVs. These would double the current traffic levels. He stated that he did not consider the impact on the B4000 to be severe. He highlighted historical traffic survey data, which showed an increase in car trips on the B4000, but there was limited evidence for HGV movements. He noted that residents had long been concerned about increased traffic on the B4000, but the evidence and limited increase associated with the development made it difficult to object to the proposal.
25. He highlighted the personal consent and suggested this was important. He stated that around four times the trips could be expected from a conventional B8 warehouse. Although Highways did not object on increased traffic grounds, they did object on sustainability grounds. He highlighted the lack of public bus services and footways, which meant that the only way to access the site was by car. He noted that officers had long been concerned about development proposals in this area. Although a travel plan and minibus service was proposed, he indicated that these were insufficient to satisfy sustainability concerns. He noted similar arrangements had been proposed for other developments in the vicinity, but these were expensive to run and generally ceased to operate after a few months. He observed that local experience had shown shuttle bus services were not viable, even for larger sites such as the Harrods distribution depot in Thatcham. He suggested that the travel plan for this development was unlikely to be monitored, since the Transport Policy Team only had sufficient resources to monitor the largest commercial and residential developments. He concluded that Highways objected on sustainability grounds and

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suggested that the proposal was contrary to Policy CS13 of the Core Strategy, the Local Transport Plan and the Council's Climate Change Emergency Declaration.

### **Removal of speaking rights**

26. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
27. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
28. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Lambourn Parish Council (Mrs Sue Cocker), Mr Piers Yeld and Mr Tony King, objectors, and Mr Philip Walker (Walker Logistics), Mr Jim Tarzey (Pegasus Group) and Mr Ian Southwell (Vectos). All those who made submission were able to attend the remote meeting.
29. Individual written submissions were published online with the agenda: <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5743&Ver=4>

### **Parish Council's Submission**

30. The Clerk read out the representation. Members questioned the attendee as follows:
31. Councillor James Cole asked how much unemployment there was in the Lambourn area. Mrs Cocker explained there was no ward level data, and the horse racing industry provided transient employment, so numbers fluctuated. She suggested that there may be around 100 unemployed people in the area. Councillor James Cole suggested that some of those people would be interested in employment at the proposed development. Mrs Cocker agreed.
32. Councillor James Cole noted that a proposed condition would not permit 7-day or external operation, and asked if this would mitigate the Parish Council's concerns. Mrs Cocker highlighted residents' experience with HGVs using Ermin Street and Ramsbury Road in the early hours of the morning. These often could not access premises because they were locked, so sat with engines idling. She suggested that if the condition could be enforced, then it may help to alleviate concerns, but local experience suggested that enforcement did not take place.
33. Councillor Adrian Abbs noted that the Housing and Employment Land Availability Assessment (HELAA) showed the site to be 'potentially developable' and asked the Parish Council about this. Mrs Cocker highlighted a comment, which suggested the site was not considered for the HELAA, because it was not considered sustainable.
34. Councillor Abbs asked if traffic were to enter and exit the site via Membury Services, whether that would address the Parish Council's concerns. Mrs Cocker noted that this was prohibited by Highways England. The Chairman indicated that the question was not a matter of clarification of the Parish Council's submission.

### **Objectors' Submission**

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35. The Clerk read out the representation. Members questioned the attendees as follows:
36. Councillor Tony Vickers asked about alternative sites considered. Mr Yeld noted that the applicant had considered sites in Swindon and West Berkshire, and had threatened that if permission was not granted, the company would move to the 'golden triangle' in Northamptonshire.
37. Councillor Phil Barnett noted that the objectors referred to 776 vehicle movements. Having visited the site, he was surprised at the number of vehicles. He noted difficulties in vehicles parking and passing. He also noted that the objectors' traffic figures differed from those supplied by the applicant. Mr King explained that the current transport analysis was based on output from the current Walker's facility instead of the TRICS database. He understood the proposed personal condition, but asked if a new owner would change the operation and achieve the quoted figures. He noted the applicant had indicated there would be 200 new employees, but the application quoted 45-50. This suggested that traffic could increase by a factor of five. Mr Yeld highlighted that the TRICS database had shown 776 vehicle trips could be expected for a site of this size, which was considerably more than 153 trips stated by the applicant. He indicated that the applicant had not answered the question as to why the TRICS data had not been used, but suggested that it was because of the personal condition. He indicated that he was not satisfied with this.
38. Councillor Vickers asked if the objectors felt that there were any other key issues not addressed in the committee report. Mr Yeld noted that local residents had engaged a planning consultant, who had highlighted the vulnerability of the personal condition in the event that the site were to change ownership, and had suggested that it would be virtually impossible for the Council to restrict the capacity of future operations. Mr Yeld noted that as part of the applicant's threat to relocate their business, they had indicated they would be forced to lease their existing site to a high-transport haulage businesses. He suggested that this further supported the use of the substantially increased traffic flows indicated by the TRICS database.

### **Applicant/Agent's Submission**

39. The Clerk read out the representation. Members questioned the attendees as follows:
40. Councillor Abbs noted that the applicant was proposing to increase staff, when other logistics companies were investing in automation. He asked Mr Walker how his business was different. Mr Walker stated that his business was a fulfilment company, which was labour-intensive and low on HGV movements, with orders processed within its warehouse. He explained that it was a multi-user site serving small to medium customers with different requirements. He noted that larger operators such as Wincanton tended to operate dedicated sites for their customers, which allowed some automation, because they could predict activity. However, this site had lots of people picking, packing and processing orders.
41. Councillor Abbs asked if the new jobs would be sustainable in the medium to long term. Mr Walker explained that the data in the application was out of date. He stated that there were currently 168 full-time employees, with 42 temporary staff. He highlighted that there had been enormous growth during the pandemic, and 70 new jobs had been created since 2020. He indicated that the business had been operating for 22 years.
42. Councillor Barnett asked if the full-time jobs would be permanent. Mr Walker confirmed that they would be.



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43. Councillor Barnett asked if the business would recruit locally as well as from Swindon. Mr Walker confirmed that the business had taken on many local people, and there had been more interest in the last year, with people losing jobs and being furloughed. He stated that there were 2 employees from Downlands, 10 from Lambourn (with two zero-hour contracts), and 6 from Hungerford (with two zero-hour contracts). He noted that the business was close to the county boundary, so it also employ people from nearby villages in Wiltshire. He indicated that jobs were advertised outside the building, and they wanted as many local people as possible.
44. Councillor Carlyne Culver noted that the National Planning Policy Framework (NPPF) stated that building should only take place in the AONB in exceptional circumstances. With no guarantee that jobs would go to local people, she asked why West Berkshire Council should permit this proposal. She also noted that the project would not be liable for CIL contributions. Mr Walker conceded that the site was in the AONB, but it was next to their existing site. He suggested that it was of low value in terms of benefits to the AONB. He indicated that he wished to expand the business, which had been in the area for 22 years. He explained that it was not possible to dictate where the workforce would be drawn from, but confirmed that they wanted to attract local people. However, staff would be employed on the basis of their skills sets. He suggested that creating at least 200 new jobs justified the exceptional circumstances.
45. Mr Tarzey acknowledged that developing in the AONB was a high policy test to pass. He noted the NPPF had set three tests relating to: need; scope to relocate outside the AONB; and environmental impacts. He acknowledged that there would be some impact on the AONB, but this particular site could come forward for development in future. He stressed that the impact would be limited and would be confined to Ramsbury Road, since there were no elevated/long-distance views of the site. Although already well-contained, he noted that there would be additional planting. He stressed the need to look at the proposal on a site-specific basis and suggested that the proposal was justifiable, based on need.
46. Councillor Dennis Benneyworth noted that the development was within the AONB and outside a protected employment area (PEA). He asked how the development would enhance the character and appearance of the area, as required by Policy CS14. Mr Tarzey referred to Policy CS9, which allowed for development outside the PEA, and required consideration of the compatibility of the proposed use with the surrounding area. He acknowledged that the development would not enhance the site, but stressed the need to look at whether impacts would be harmful and offset. He indicated that the site was part of the former airfield and had a close relationship with existing industrial buildings. He suggested that any impacts could be mitigated with landscaping.
47. Councillor Vickers noted the proposed World War II (WW2) aircraft museum, and highlighted that other local airfields aspired to have similar museums. He asked how important this was to the applicant, and whether he had considered locating it elsewhere. Mr Walker indicated that he owned the land, and stressed the importance of the proposal in terms of the heritage of the airfield. He was aware of alternative proposals at Greenham and Welford and had cooperated with them. He indicated that he wanted the museum to act as a history lesson, commemorating the people based there who had lost their lives. He noted that Winston Churchill had visited the airfield and suggested that it was a site that ought to be preserved.
48. Councillor Vickers sought confirmation that this element did not carry much weight in terms of the planning balance. He asked if it was being proposed for sentimental

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reasons, rather than as a key part of the application. He indicated that it would not be a key factor affecting his vote, but stressed that it accounted for 10 percent of the footprint. Mr Walker noted that the building would need to accommodate an aircraft that had flown from Membury during WW2. He conceded that it was not the most important part of the application, and noted that some people had suggested it was being used as a lure to gain planning consent, but that was not correct.

49. Councillor Abbs asked about how the proposal would contribute to the Council's aspiration for net zero emissions. Mr Tarzey noted that the building would need to meet relevant BREEAM standards, but that was different to the sustainability credentials of the location, which had been criticised by Highways Officers.
50. Councillor Culver wondered why the museum would only be open 28 days per year. Mr Walker explained that he did not have public money to set up and run the museum, and it would be run with support from volunteers. He indicated that 28 days would be the minimum, and it could also be opened by invitation for educational opportunities.
51. The Chairman asked the planning officer to confirm the operating period. Mr Till confirmed that the proposed condition stated it would be open for a minimum of 28 days.

### **Ward Member Representation**

52. Councillor Howard Woollaston in addressing the Committee raised the following points:
  - He had been lobbied on both sides as ward member and had intended to prepare a balanced speech. However, apart from the fact that Walker Logistics was a responsible employer, he could not see any justification for the proposal, so he had stood down from the committee so as to be able to represent residents in his ward.
  - The industrial estate would not have been allowed, but for an anomaly caused by WW2.
  - It was in the middle of the countryside with poor road access, and no public transport.
  - It had been allowed to develop haphazardly over the years, with unsuitable occupiers who had little respect for the countryside, or local residents.
  - There had been unprecedented levels of local opposition to the proposal, with no residents expressing support for it.
  - The Parish Council had objected in the strongest possible way.
  - 176 residents had signed a petition objecting to the proposal, and there had been 56 individual letters of opposition.
  - The crux of the decision was whether the policy protecting the AONB could be overridden by extraordinary economic need, but in terms of West Berkshire, it could not.
  - Walker Logistics employed 164 people, of whom 25 percent lived within 10 miles and 18 percent lived within 5 miles.
  - The site was very close to the western boundary of the district, with Swindon just 10 miles away, so the economic benefit to West Berkshire residents was halved.

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- Most staff were bussed in from Reading and Swindon, bringing no economic benefit to West Berkshire.
- Just 15 of the current staff were from West Berkshire and of the 45 additional staff proposed, just 4 would come the district, which did not represent a major economic benefit.
- The location was not sustainable for local employment, unless people drove to work.
- The nearest bus stop was nearly 2 km away, with just two services per day.
- Ramsbury Road had no pavements or street lights and was very narrow, and people would not walk or cycle down it with so many HGVs going past.
- The North West Downs AONB submission was damning. It highlighted far better locations in Swindon, and queried why two sites caused so many problems. This had been ignored in the recommendation.
- Walker Logistics indicated that with few exceptions, they operated 9am-5pm on weekdays only, but they advertised a 24/7 facility to customers and were seeking employees for shifts from 7am to 8pm on Sundays, and from 3pm to midnight on weekdays.
- Walker Logistics said that they would create few HGV trips, but their customers would create many more trips (e.g. Royal Mail, DPD, etc).
- While Highway Officers did not object to the proposal, they clearly stated that the location was unsustainable, and had raised concerns about accessibility.
- The industry standard TRICS database had not been used, which would have shown an additional 776 daily vehicle movements to and from Junction 14 of the M4.
- He suggested that: the draft Local Plan was not relevant and business rates were not a planning consideration.
- The plans showing scale and landscaping were deceptive. The building was 40 feet high and the size of two Wembley football pitches. As such, it would not sink into the background as shown in the literature, and it would take decades for the tree cover to be provided.
- The personal consent was “a nonsense” and a future application to release it would be unlikely to be opposed.
- The number of new jobs proposed had suddenly increased from 45 to 200, although some explanation for this had been provided at the meeting.
- If approved, this application would be the thin end of the wedge, as two designated employment areas would be joined and a further site would be brought forward in the future.
- It was time to draw a line in the sand and say no to environmentally unfriendly industrial development in this protected rural environment.
- He strongly urged members to reject the officers’ recommendation, to approve the application, which he felt to be contrary to policy.

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

53. Councillor Vickers suggested that the ward member’s comments implied people living outside West Berkshire should not have a job in the district. He noted the site

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was close to the Wiltshire boundary and suggested this was not a sensible argument. Councillor Woollaston responded that people who lived in Swindon did not spend the money they earned in Membury within the local area, so the economic benefit to the area was virtually nil.

54. Councillor Jeff Cant raised a point of order that this was an opportunity to ask questions of clarification of the ward member's representation rather than entering into debate.
55. Councillor James Cole asked about the potential for local residents to take up jobs at the site. Councillor Woollaston stated that employment data lacked sufficient granularity and had to be inferred from West Berkshire figures. This suggested around 100 unemployed people in the Lambourn area, but it was a transient population due to the racing industry.
56. Councillor James Cole suggested that people in the racing industry would not be keen to take up distribution jobs. Councillor Woollaston agreed.

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

57. Councillor Abbs asked why access could not be via the M4 services. Mr Goddard confirmed that this was prohibited by Highways England and was national policy.
58. Councillor Hilary Cole suggested that increasing weight could be given to the emerging Local Plan as it progressed in its development. She noted that it was scheduled to go to Regulation 19 consultation and be submitted to the planning inspectorate in the summer. She asked what weight had been given to it by officers. Mr Till agreed that the draft Local Plan gathered weight over time and depending on the stage of preparation. He indicated that the Planning Policy Officer's view was that it should be given limited weight, with a recognised need for industrial development and for that to be accommodated within industrial employment areas. He noted that Membury, as an existing PEA, was under consideration, and may be allocated for further development. He acknowledged that while current policy stated that industrial employment uses should be directed to PEAs, they allowed for consideration of land alongside those areas subject to consideration of location and compatibility with surrounding uses, sustainability, etc. He concluded that the main consideration should be under current policy with limited weight under the new plan, since the site was being considered for allocation for industrial development.
59. Councillor Hilary Cole sought confirmation that account had been taken of the fact that the HELAA had identified the site as 'potentially developable'. Mr Till confirmed that it had.
60. Councillor Vickers noted that the national move towards electric vehicles, which would reduce the carbon footprint of the development. He asked Mr Goddard what weight he attached to this and if it would affect the assessment about the sustainability of the site in 20 years' time. Mr Goddard agreed that it was UK Government policy that no further fossil fuel powered cars would be built after 2035. However, he highlighted that fossil fuels were still required to generate power to charge electric cars. He did not consider that current policy gave sufficient weight to take account of the impact of electric vehicles, other than to promote their usage.
61. Councillor James Cole queried the statement in the report, which suggested that the proposed operating hours would not be to the detriment of residents, particularly in relation to traffic noise. Mr Till explained that the site was between two PEAs, where there were uncontrolled industrial uses in the area, operating around the clock, with numerous associated vehicle movements. He indicated that it was standard practice

## WESTERN AREA PLANNING COMMITTEE - 28 APRIL 2021 - MINUTES

to allow operating hours of 7am to 8pm, and suggested this would not be disruptive, given the context of the site.

62. Councillor James Cole highlighted traffic flows further along the B4000 in Wickham and asked if the growth could in part be attributed to development at Membury, and also how it would be affected by this application if approved. Mr Goddard agreed that some of the traffic increase was related to Membury, but it may also be due to development in Lambourn. He noted that traffic levels on the B4000 had risen over the last 12 years, but without additional traffic surveys, it was difficult to say where this was coming from.
63. Councillor Phil Barnett asked if HGVs could be restricted to 'access only' on sections of the B4000. Mr Goddard indicated that he was not aware of any such proposals. He explained that it was difficult to prove where HGVs were going, and therefore enforce these restrictions. He suggested that if the local community wished to pursue such a restriction, then they should contact the Traffic and Road Safety Team.

### Debate

64. Councillor Abbs opened the debate. He indicated that he was conflicted about which way to vote. He suggested that the applicant could have done more to improve the application (e.g. build a net zero warehouse). He also suggested that new jobs might not be permanent due to automation within the industry. However, he was comfortable with the location and highlighted the fact that the site had been designated in the HELAA as "potentially developable" for storage and distribution uses. He suggested that an alternative development could come forward at this site in future, which would be consistent with the new Local Plan.
65. Councillor Cant stated that he had looked for an exceptional reason to support this development within the AONB. He agreed with Councillor Woollaston's argument about how small the economic benefit would be for West Berkshire. He also indicated that he was looking for the applicant to show respect for the local community, but the range in traffic forecasts did not give confidence that it would bring local benefits. He referred to the emerging planning policy, which he did not think could be assumed to permit further development. He also referred to the fact that the Highways Officer had objected on sustainability grounds, and indicated that he would vote against the proposal.
66. Councillor Vickers had visited the area on the previous Sunday. He confirmed that he had not seen any moving vehicles, which suggested that local employers did not operate on Sundays. He did not consider the landscape impact to be severe or permanent, since there were already substantial trees present. He noted that there were PEAs to either side of the site, and the site itself might be designated as a PEA in the new Local Plan, so another distribution centre could be proposed for the site in future. He agreed that not all new staff would be from West Berkshire, but suggested that hiring staff from Wiltshire villages still counted as local. He indicated that a PEA in the middle of an AONB would inevitably result in people commuting by car. He acknowledged that the application was finely balanced, but suggested that it would be difficult to refuse it.
67. Councillor James Cole highlighted the need to protect the AONB and did not consider the economic argument was sufficient to tip the planning balance. He acknowledged that tree planting was proposed, but suggested that they would take many years to be effective in screening the buildings. He indicated that he was uncomfortable with the traffic and sustainability impacts of the proposal.

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68. Councillor Barnett indicated that he had initially been in favour of the site on economic grounds. He suggested that people from local villages might commute by motorbike or bicycle. Also, he noted that employers had located to Membury over the years and found it to be a beneficial location. However, he had reservations due to the strong arguments against the proposal and was undecided about how to vote.
69. Councillor Hilary Cole suggested that the determination hinged on whether an exceptional need had been demonstrated. She indicated that planning balance was in favour of economic development to aid post-Covid recovery. She noted that half of those employed in the district commuted in from other areas and half of West Berkshire's residents commuted out, so the issue of where new staff would be drawn from was a 'red herring'. She referred to the comments from the AONB, which focused on the need to protect the area, but suggested that they did not understand the economic benefits. Also, they had ignored policy in the NPPF, which supported economic growth and productivity. She noted that the site was next to a PEA, and it was shown as "potentially developable" in the HELAA. She acknowledged sustainability concerns, but stressed that the site was next to an established PEA, so people already travelled to the area. She noted that Planning Policy was giving a balanced view on this application.
70. Councillor Hilary Cole proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Abbs.
71. Councillor Abbs noted that the application was very finely balanced. The fact that the company was local had swayed him. He asked what conditions could be imposed, such as in relation to achieving a net zero development. Mr Till referred to recommended Conditions 8 and 9 which related to BREEAM and measures to comply with policy CS15 on zero carbon development.
72. Councillor Abbs indicated that he was also concerned about the operation of the facility. Mr Till noted that this was an outline application and indicated that matters such as parking and EV charge points would be considered at the detailed design stage. He suggested that an informative could be drafted, highlighting the importance of seeking submissions detailing how the building would further the sustainability aims of the district.
73. The Chairman noted concerns about landscaping and asked if another informative could be used to specify a minimum height for trees. Mr Till explained that the applicant had already made a significant commitment to landscaping, and had a long-term record of maintaining the existing landscaping. He noted that this was a reserved matter, but the supporting documents already showed understanding of the need for a long-term strategy. He acknowledged the need for the landscaping to be sensitively designed.
74. Councillor Vickers noted that the site would only be visible from Ramsbury Road. He suggested that there should be a fast-growing screen of trees close to the road.
75. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Adrian Abbs to grant planning permission. At the vote the motion was carried.

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

### ***Conditions***

#### **1. Reserved Matters**

## **WESTERN AREA PLANNING COMMITTEE - 28 APRIL 2021 - MINUTES**

Details of the access, appearance, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

### **2. Time Limit**

The development to which this permission relates shall be begun before the expiration of 3 years from the date of this decision, or before the expiration of two years from the date of approval of the last of the approved matters to be approved, whichever is the later.

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

### **3. Indicative Plans**

The layout of the site shall be in broad accordance with the indicative block plan reference number 03100-00-C. The building hereby approved shall be a maximum of 12.6 metres in height.

Reason: For the avoidance of doubt and in the interests of proper planning, and in the interests of visual amenity in the North Wessex Downs AONB in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy 2012.

### **4. Permitted development restriction**

Irrespective of the provisions of the Town and Country General Permitted Development Order 2015, as amended, or any subsequent revision thereof no addition floors or mezzanines shall be inserted in the building hereby approved.

Reason: In order to prevent the overdevelopment and intensification of use of the site in a manner that might otherwise result in harm to the tranquillity of the AONB, highway safety and residential amenity in accordance with the NPPF, Policies CS9, CS13, CS14, CS19 of the West Berkshire Local Plan Core Strategy 2012 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **5. Maximum floor areas**

The floor areas for the building hereby approved shall be limited to the maximum following floor areas:

- Museum and military vehicle storage area 2180 sq.m
- Class B8 storage and distribution warehouse 9060 sq.m
- Ancillary office area 1150 sq.m
- Ancillary welfare and security area 180 sq.m

Reason: In order to prevent the overdevelopment and intensification of use of the site in a manner that might otherwise result in harm to the tranquillity of the AONB, highway safety and residential amenity in accordance with the NPPF, Policies CS9, CS13, CS14, CS19 of the West Berkshire Local Plan Core Strategy 2012 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **6. Construction Method Statement**

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No development shall take place until a Construction Method Statement has been submitted and approved under a formal discharge of conditions application. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (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

The provisions of the Construction Method Statement shall be implemented in full and retained until the development has been occupied. Any deviation from the approved Construction Method Statement shall be first agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **7. Noise management plan**

A scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. Thereafter, the use shall not commence until the approved scheme has been fully implemented.

Reason: To protect the occupants of nearby residential properties from noise in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy 2012 and Policies OVS5 and OPS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **8. BREEAM**

The development hereby approved shall not be occupied until a post construction review demonstrating that the approved building has achieved a construction standard of BREEAM Excellent has been submitted and approved under a formal discharge of conditions application.

Reason: In order to ensure a sustainable development of high quality construction in accordance with the NPPF and Policies CS14 and CS15 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### **9. Zero carbon**

No development shall take place until a plan demonstrating how the building hereby approved will meet with the requirement for zero carbon development including construction, monitoring and reporting measures has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plan.



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Reason: In order to secure zero carbon development in accordance with Policy CS15 of the West Berkshire Local Plan Core Strategy 2012.

### **10. Construction environment management plan**

No development shall take place (including demolition, ground works, vegetation clearance unless otherwise agreed in writing by the Local Planning Authority) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of “biodiversity protection zones”.
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction. This condition is imposed in accordance with the requirements of the NPPF and Policy CS17 of the West Berkshire Local Plan Core Strategy 2012.

### **11. Landscape Ecological Management Plan**

No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.

## **WESTERN AREA PLANNING COMMITTEE - 28 APRIL 2021 - MINUTES**

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

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

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

Reason: A pre-commencement condition is required because the LEMP may need to be implemented during construction. This condition is imposed in accordance with the requirements of the NPPF and Policy CS17 of the West Berkshire Local Plan Core Strategy 2012.

### **12. Lighting strategy**

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:

- (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.
- (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.
- (c) Include and isolux diagram of the proposed lighting.
- (d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.
- (e) Include a plan of timings for external lighting to minimise external lighting at times when the external areas of the site are not in use.

No external lighting shall be installed on the site except in accordance with the above strategy.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, to conserve the dark night skies of the North Wessex Downs AONB and in the interests of the amenity of nearby residential occupants. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, Policies CS14 CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policies OVS5 and OVS 6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

### **13. SuDS**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;

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- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- d) Include detailed manufacturer's information to ensure adequate sizing and water cleaning operation of the proposed sewage treatment plant and oil interceptor;
- e) Include detailed hydraulic run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- f) Include flood water exceedance routes, both on and off site;
- g) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- h) Include a Flood Risk Assessment (FRA) for the development as the site area is larger than 1 hectare;
- j) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy).

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced. The sustainable drainage measures shall be maintained in the approved condition thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### **14. Hours of external operation**

No external operations (including deliveries and unloading of lorries, but excluding use of the car park by employees for parking of private motor cars and access to and from the logistics warehouse building hereby approved) shall take place except in accordance with the following hours:

7:00am to 8:00pm Mondays to Fridays;

9:00am to 1:00pm on Saturdays;

No external operations on Sundays and Bank holidays.

Reason: In the interests of the amenity of nearby residential occupants in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy 2006-2026 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

### **15. Personal permission**

## **WESTERN AREA PLANNING COMMITTEE - 28 APRIL 2021 - MINUTES**

The logistics warehouse building and ancillary offices hereby permitted shall be occupied only by Walker Logistics Limited unless planning permission is granted on a planning application made for this purpose.

Reason: The applicant has demonstrated through submissions accompanying this application that the associated vehicle movements and hours of external works relating to the operation of the site for his business are such as to allow for the applicant's particular business to operate on the site under the restrictions of the conditions of this planning permission without resulting in undue detriment to the amenity of neighbouring residential occupants, highway safety and the amenity of the highway network that might result from the operation of an uncontrolled B8 or other industrial use of the site. This condition is imposed in order that the use of the site by any alternative future occupant can be given details consideration in terms of the associated impacts on highways safety and residential amenity in the interests of residential amenity and highway safety in accordance with the NPPF, Policies CS5, CS13 and CS14 of the West Berkshire Local Plan Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved 1991-2006 Saved Policies 2007.

### **16. Levels**

No development shall commence on the site until full details of ground and floor levels as existing and proposed have been submitted and approved in writing by the Local Planning Authority. The site shall be constructed in accordance with the approved levels.

Reason: In the interests of visual amenity in the North Wessex Downs AONB in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy 2012.

### **17. Public access to museum**

The museum hereby approved shall not be taken into use until details of arrangements for public access have been submitted and approved in writing by the Local Planning Authority. Such access arrangements shall provide for the public to have visiting access to the museum on no less than 28 days per year, and shall include details of how such arrangements can be booked and will be publicised. The museum shall be made available for public visits in accordance with the approved details thereafter.

Reason: To secure the public benefit of the museum and its relationship to the wider Membury airfield site as a heritage asset, in the interests of the conservation and enhancement of heritage assets and their associated public benefits in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy 2006-2026.

### **18. Travel plan**

The building hereby approved shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented as approved on commencement of the use as a school and its provisions shall continue to be implemented thereafter.

Reason: To ensure the efficient function of the site and to promote sustainable forms of transport. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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Use restriction (additional condition) Irrespective of the provisions of the Town and Country (General Permitted Development) Order 2015, as amended, or any subsequent revision thereof, the building hereby approved for a logistics warehouse shall be used only for purposes of use Class B8 storage and distribution and ancillary office accommodation, and the building hereby approved as a museum building shall only be used as a museum unless planning permission is granted on a planning application made for the purpose of changing the use of the buildings hereby approved.

Reason: The acceptability of the approved building in planning terms is dependent on an assessment of the associated level of vehicle movements and external works that relate to the buildings in their approved use. This condition is imposed in the interests of preventing a change of use of the approved buildings that might otherwise result in an intensification of associated vehicle movements and associated activities in accordance with the requirements of the NPPF, Policies CS5, CS13 and CS14 of the West Berkshire Local Plan Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved 1991-2006 Saved Policies 2007.

### ***Informatives***

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

2. Ecology & construction

The applicant's attention is drawn to the following comments from the ecologist and the AONB officer in respect of detailed design:

Ecologist - We recognise that one of the concerns of this development is that it is in the NWD AONB, the concern relates to the visibility of the new structure(s) we propose that one way that these concerns could be reduced is the installation of green vegetated walls. This would be best achieved with rainwater harvesting to feed into a reservoir to help maintain the watering of the vegetated green walls around the building. These green walls will; soften the landscape views of the building, improve internal thermal stability lowering energy bills with the associated environmental sustainability benefits, increase carbon capture and slow the peak flows in high rain fall events.

AONB officer - The local area is void of street lights. It must be noted that introducing lighting columns or increased building floodlights into this locality would significantly impact upon the dark sky environment, a special quality of the AONB. The building has a number of windows which will cause light spill into a dark environment. Low transmittance glass should be conditioned if the officer is minded to approve.

The colour of the building will not fade into the landscape, it will appear as a contrast to the natural greens and browns that make up the natural colour system of this landscape character area. Using the natural colour system to identify colours in the landscape which can aid in choosing more appropriate shades of green would have been a more responsible approach within a protected landscape.

The detailed design of the building accompanying the reserved matters application should demonstrate how these matters have been considered in choice of materials.

- (3) **Application No. and Parish: 20/00912/FULEXT, Land at End Of Charlotte Close Hermitage Thatcham, Hermitage**

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*(Councillor(s) Phil Barnett declared a personal interest in Agenda Item 4(3) by virtue of the fact that he had visited the site with a resident. 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.)*

76. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/00912/FULEXT in respect of the erection of 16 dwellings and associated landscape and highway works on land at end of Charlotte Close, Hermitage.
77. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission, subject to the completion of a Section 106 legal agreement by 28th July 2021 and in accordance with the schedule of conditions.
78. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that this was an allocated site in the Site Allocations Development Plan Document (DPD), with an allocation of 15 dwellings. He explained that vehicular access would be via Charlotte Close, with pedestrian/cycle routes onto Station Road to the south and the allocated site on the Old Farmhouse to the north. He confirmed that parking and site layout were acceptable. He noted local concern about the impact on the B4009/Station Road mini-roundabout, but modelling showed the junction was operating close to capacity and traffic from the proposed development (and that of nearby proposals/recently approved developments) could be accommodated without causing extensive congestion. He concluded that the Highways Officers recommended approval of the application subject to the conditions listed in the reports.

### **Removal of speaking rights**

79. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
80. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
81. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Simon Joyce, agent. Mr Joyce was able to attend the remote meeting.
82. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MIId=5743&Ver=4>

### **Applicant/Agent's Submission**

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83. The Clerk read out the representation. Members did not have any questions for the agent.

### **Ward Member Representation**

84. Councillor Hilary Cole in addressing the Committee raised the following points:

- Hermitage Parish Council decided not to attend the meeting, as they had no objections to the application, but they did send a letter, which was appended to the update sheet.
- The Parish Council had outstanding concerns about:
  - Traffic flow at the Newbury Road/Priors Court Road, which was an ongoing issue, and
  - Potential overloading of the Downland GP Practice.
- This application had come a long way since the appeal was dismissed in 2017.
- The Housing Site Allocation Development Plan Document (HSADPD) indicated that the site was suitable for 15 dwellings, and 16 were proposed.
- Careful consideration had been given to the design and layout.
- It was pleasing to see that there would be 40 percent affordable housing.
- She was supportive of the application.

85. The Chairman noted that the application had been called in because 10 letters of objection had been received, yet no written statement had been received from the objectors for Members to consider.

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

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

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

87. Members did not have any questions for officers.

### **Debate**

88. Councillor Tony Vickers opened the debate. He suggested that development was needed to link Hungerford Green to the village. He welcomed the permeability through the development. Overall, he considered the development to be well thought through. He noted that the land was not actively used and had become a haven for wildlife, but hoped the developer would rehome any protected species.

89. Councillor Tony Vickers proposed to accept Officer's recommendation and grant planning permission subject to the completion of a Section 106 legal agreement by 28 July 2021, and in accordance with the conditions listed in the main report and update report. This was seconded by Councillor Hilary Cole.

90. Councillor Phil Barnett indicated that he hoped the mature oak trees felled in 2016 would be put to good use.

91. Councillor Dennis Benneyworth echoed the comments of Councillor Hilary Cole and Councillor Vickers. He noted that the affordable homes were much needed and indicated that he was in favour of the application.

92. Councillor Hilary Cole highlighted the extensive list of proposed conditions and informatives. Councillor Tony Vickers agreed that they addressed all relevant points.

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93. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Hilary Cole to grant planning permission. At the vote the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to grant planning permission subject to the completion of a Section 106 legal agreement by 28th July 2021 and in accordance with the schedule of conditions as follows.

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

#### **1 . Affordable housing**

- To provide 40% affordable housing on site in accordance with the details provided in Amended affordable housing plan drawing no FLU.1126.16 Rev. E.
- Transfer to Registered Housing Provider.
- Of the affordable housing units, 70% being social rented tenure, 30% being an intermediate or shared ownership form of affordable housing.
- Detailed requirements and specifications in accordance with the Planning Obligations SPD.

#### **2. Public Open Space**

- Provision of public open space, including a local area of play.
- Governance by a management company, subject to clauses to ensure transparency in the process of setting of annual fees for residents.

#### **3. Environmental Management Plan**

- To secure details of the creation, details of the management, maintenance and long term protection of the hard and soft landscaping, public open space and Ecological Mitigation Area within the Site (as shown on the Section 106 Site Plan(s).
- The Environmental Management Plan shall be in accordance with the details provided in amended play area details drawing No CALA22960-15A and amended open space plan drawing no CALA22960-10.
- Not to permit the occupation of the development without first forming a Management Company (which for the avoidance of doubt shall assume responsibility for implementing the Environmental Management Plan) and not to wind up the Management Company or alter its constitution unless the whole of the Development shall have been demolished or unless the Council have otherwise first agreed in writing.
- To provide that the first and all subsequent buyers of each Residential Unit within the Development enters into covenants with the Management Company to pay the Management Company a pro rata proportion (according to the number of Residential Units in the Development) of the costs and expenses incurred by the Management Company in respect of its administration and of insuring, maintaining, repairing and as necessary renewing the hard and soft landscaping, public open space and Ecological Mitigation Area in accordance with the Environmental Management Plan.

#### **4. Council's Costs**

- To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee.

### ***Schedule of Conditions***

#### **1. Time limit for commencement**



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

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

### **2. Approved plans**

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

Received on 16 April 2020:

- Preliminary Ecology Assessment
- Heritage Statement
- Noise Assessment

Received on 28 April 2020:

- Geoenvironmental Report

Received on 07 October 2020:

- Hermitage Biodiversity Metric
- Hermitage BNG report
- Biodiversity Homes Brochure 2019
- Ecological Assessment

Received on 14 December 2020:

- Amended Arboriculture statement No 20066-AA4-DC
- Amended tree protection plan drawing no 20066-BT3
- Amended Play Area details drawing no CALA22960-15A
- Amended soft landscape proposals drawing no CALA22960-11A sheet 1
- Amended soft landscape proposal drawing no CALA22960-11A sheet 2
- Amended proposed hard landscaping drawing no CALA22960-12B sheet 1
- Amended proposed hard landscape plan drawing no CALA22960-12B sheet 2
- Amended Landscape Visual Impact Assessment Report (LVIA)
- Amended LVIA appendices 1 – 11b
- Amended Plot 3 floor plans and elevations drawing no FLU.1126.04 Rev. J
- Amended Plot 4 floor plans and elevations drawing no FLU.1126.05 Rev. J
- Amended Plot 5 floor plans and elevations drawing no FLU.1126.06 Rev. K
- Amended Plot 6 floor plans and elevations drawing no FLU.1126.07 Rev. H
- Amended Plot 7 floor plans and elevations drawing no FLU.1126.08 Rev. H
- Amended Plot 8 floor plans and elevations drawing no FLU.1126.09 Rev. G
- Amended Plot 9 floor plans and elevations drawing no FLU.1126.10 Rev. H
- Amended Plot 10 floor plans and elevations drawing no FLU.1126.11 Rev. J
- Amended Plot 11-12 floor plans and elevations drawing no FLU.1126.12 Rev. H
- Amended Plot 16 floor plans and elevations drawing no FLU.1126.19 Rev. B
- Tree management on sites manual
- Amended site layout plan drawing no FLU.1126.02 Rev. E1
- Amended transport statement Issue 4
- Amended Utilities & Foul Water Drainage Assessment Issue 4
- Amended pedestrian cycle connection drawing no 8190446/6103 Rev E

Received on 18 December 2020:

- Amended street scene drawing no FLU.1126.15 Rev. P

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- Received on 29 January 2021:
- Amended affordable housing plan drawing no FLU.1126.16 Rev. E
- Received on 18 February 2021:
- Amended proposed car ports plans and elevations drawing no FLU.1126.20 Rev A
- Amended Plot 13 floor plans and elevations drawing no FLU.1126.13 Rev. K
- Amended Plots 1-2 floor plans and elevations drawing no FLU.1126.03 Rev. M
- Amended Plot 14-15 floor plans and elevations drawing no FLU.1126.18 Rev. B

Received on 12 March 2021:

- Amended flood risk assessment report and appendices A-G Issue 7
- Amended Flood risk assessment - appendices H-K
- Amended Flood risk assessment - appendices L- M

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

### **3. External materials**

Prior to above foundation level works commencing, details of external facing materials for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.

Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the AONB area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and Hermitage Village Design Statement.

### **4. Means of enclosure**

Notwithstanding the provisions of the plans hereby approved, the development hereby permitted shall not be occupied until full details have been submitted to and approved in writing in respect of means of enclosure or boundary treatments on site, including all residential curtilages, to include a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected within the site. The plan will also include the ecological mitigation fencing, children's play area fencing. The boundary treatments shall be completed in accordance with the approved scheme before the development hereby permitted is first occupied. The boundary treatment shall thereafter be retained in accordance with the approved details.

Reason In the interest of visual amenity and to protect neighbouring residential amenity, to reduce the risk of crime and anti-social behaviour and to ensure the satisfactory appearance of the development. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy, the Quality Design SPD (design guidance on safe and high quality environments) 2007) and the Hermitage Village Design Statement.

### **5. Landscape and Ecological Management Plan**

No development shall take place on the site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP should be based on the Ecological Assessments by Ethos Environmental Planning dated September 2020 received on 07 October 2020 and the approved SuDS and Landscaping documents and plans. Such a Plan shall include:

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- a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews.
- b) Provision of features for protected and priority fauna as outlined within the Ecological Assessment by Ethos Environmental Planning dated September 2020 received on 07 October 2020 and deliver the recommendations of this Assessment to ensure the appropriate protection and conservation of protected habitats and species.
- c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, public open space, and ecological mitigation area.
- d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure shown and boundary treatments and species and habitat enhancements and protections.
- e) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping. The approved LEMP shall be implemented in full upon commencement of development.

Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible before handover to the management company as a condition. Detailed provisions for implementation are contained within the s106 legal agreement. The detailed LEMP is required before commencement of development because insufficiently detailed information has been submitted at the application stage, and it may include measures that require implementation during the construction phase. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006- 2026), and the Planning Obligations SPD.

### **6. Construction Environmental Management Plan (CEMP)**

No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;

- (a) A risk assessment of potentially damaging construction activities
- (b) Identification of biodiversity protection zones
- (c) Practical measures to avoid and reduce impacts during construction
- (d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures
- (e) The times during construction when specialist ecologists need to be present on site to oversee works
- (f) Responsible persons and lines of communication
- (g) The role and responsibilities of the ecological clerk of works or similarly competent person

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- (h) Use of protective fences, exclusion barriers and warning signs
- (i) Any temporary lighting that will be used during construction
- (j) A scheme of works or such other steps to minimise the effects of dust during construction
- (k) The implementation of these measures prior to the commencement of each phase.

The development shall not be constructed otherwise than in accordance with the approved CEMP.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **7. Updated Ecological Appraisal**

In the event that development has not commenced 3 years from the date of this permission, no development shall take place until an updated Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.

Reason: If the development has not been commenced by September 2023 the ecological appraisal should be updated. This is because the latest ecology assessment report was dated September 2020 and many of the species considered during the current survey are highly mobile and the ecology of the site is likely to change over this period. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **8. Natural England licence (bats and great crested newts)**

Any works which affect bats or great crested newts, or result in loss or deterioration of their habitats (including site clearance) shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- (a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activities to go ahead; or
- (b) A statement in writing from Natural England to the effect that it does not consider that the specified activity will require a licence.

Reason: The approval of this information is required before development commences because insufficient information accompanies the application and mitigation will be required before any site clearance or development takes place.

This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **9. Great crested newt mitigation scheme**

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No development shall take place until a great crested newt mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall include (but not necessarily limited to) translocation of the areas of suitable terrestrial habitat, and translocation of the species, to the Ecological Mitigation Area. The submission shall include details of implementation timings.

Thereafter, the development shall not take place without the great crested newt mitigation scheme being implemented in accordance with the approved scheme.

Reason: To ensure the implementation of appropriate mitigation for great crested newts, including a translocation exercise, in line with the recommendations of the submitted Ecological Assessment. The approval of this information is required before development commences because insufficient information accompanies the application and mitigation will be required before any site clearance or development takes place. This condition is applied in accordance with the statutory provisions relating to great crested newts, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **10. Drainage measures**

The use hereby permitted shall not commence until the sustainable drainage measures identified in the Flood Risk Assessment (prepared by Glanville Consultants Ltd, report ref: 023\_8190446\_AP\_FRA Issue 7, dated 5 March 2021) have been implemented in accordance with the approved details. The sustainable drainage measures shall be maintained, retained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

### **11. Groundwater monitoring**

No development shall take place until details of groundwater monitoring within the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that groundwater does not restrict or limit the use of infiltration SuDS in accordance with Environment Agency guidelines and that the proposed infiltrating SuDS feature should be positioned no less than 1m above the peak groundwater level, and to inform the design of such SuDS measures. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

### **12. Layout and design standards**

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the Developer to enter into a Section 278/Section 38 Agreement for the adoption of all highway infrastructure within the site. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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### **13. Access construction before development**

No development shall take place until details of the proposed vehicular and pedestrian access into the site from Charlotte Close have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawings.

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

### **14. Parking and turning in accordance with approved plans**

No dwelling shall be occupied until the associated vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking of private motor cars at all times.

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

### **15. Cycle parking in accordance with approved plans**

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16. Footway/cycleway provision**

The tenth dwelling hereby approved shall not be occupied until:

- The 2.5 metre wide footway / cycleway and features have been constructed to the north east boundary
- The 2.5 metre wide footway / cycleway and features have been constructed onto Station Road including the crossing facility

These routes shall be constructed in accordance with the approved drawings.

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).

### **17. Construction method statement**

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:

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- (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
- (h) A site set-up plan during the works

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

### **18. Electric Charging Point**

No development shall take place until details of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **19. Broadband, Wi-Fi Fibre Connections and Mobile Phone Signal**

Prior to above foundation level works commencing details of a Super-Fast Broadband, Wi-Fi Fibre Connections and Mobile Phone Signal Strategy Statement shall have been submitted and approved in writing by the Local Planning Authority. Such a Strategy Statement shall set out how super-fast broadband, Wi-Fi fibre connections and mobile phone signals are to be provided to the development, including a timeline schedule for connection. Thereafter no part of the development hereby permitted shall be occupied until the infrastructure has been provided in accordance with the approved details.

Reason: To ensure that the site is provided with high speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the National Planning Policy Framework, Policies CS5 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026).

### **20. Emergency water supplies**

No dwelling shall be first occupied until either:

- (a) Private fire hydrants, or other suitable emergency water supplies, have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority (in consultation with Royal Berkshire Fire and Rescue Service); or

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(b) Royal Berkshire Fire and Rescue Service confirm that such provision is not required (for example, because the main water supply for the development is sufficient) and confirmation of the same has been given in writing by the Local Planning Authority pursuant to this condition.

Reason: At present there are no available public mains in this area to provide suitable water supply in order to effectively fight a fire. Suitable private fire hydrant(s), or other suitable emergency water supplies, are therefore required to meeting Royal Berkshire Fire and Rescue Service requirements, in the interests of public safety. The approval of this information is required before development commences because insufficient information accompanies the application and it will affect the servicing of the development. This condition is applied in accordance with the National Planning Policy Framework and Policies CS5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **21. Refuse Storage**

No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved drawings and these facilities shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **22. External lighting**

No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.

(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.

(c) Include and isolux diagram of the proposed lighting.

(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.

Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Firstly, to ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. Secondly, to conserve the dark night skies characteristics of the North Wessex Downs AONB.

This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **23. Hours of work (construction)**

No construction works shall take place outside the following hours:



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

8:30am to 1:00pm Saturdays;

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

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

### **24. Noise Mitigation**

The development hereby approved shall not be occupied until the noise mitigation measures as set out in the Noise assessment report No: P16-585-R02v2 dated March 2020, submitted with the application, have been implemented. The noise mitigation measures shall be retained and maintained thereafter

Reason: To protect future occupants from the adverse effects of excessive noise levels that may be generated by the adjacent commercial uses and any other noise sources in the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007), and Quality Design SPD.

### **25. Contaminated land condition**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### **1. Site Characterisation**

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

The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

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

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

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

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### **2. Submission of Remediation Scheme**

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

### **3. Implementation of Approved Remediation Scheme**

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

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

### **4. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved 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 in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

### **5. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

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

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receptors. To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 of the West Berkshire Core Strategy (2006 -2026), and Policies OVS.5 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).

### **26. Construction Management Plan**

No development shall not take place until details of a scheme (Construction Method Statement) to control the environmental effects of the demolition and/or construction work has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:-

- (i) the control of noise
- (ii) the control of dust, smell and other effluvia
- (iii) the control of rats and other vermin
- (iii) the control of surface water run-off
- (iv) the proposed method of piling for foundations (if any)
- (v) proposed construction and demolition working hours
- (vi) hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site.

The development shall be carried out in accordance with the approved scheme.

Reason: To safeguard the amenity of adjoining land uses and occupiers. The approval of this information is required at this stage because insufficient information has been submitted with the application. The approval of this information is required before development commences because insufficient information accompanies the application and the Construction Management Plan must be in place before construction operations commence. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 of the West Berkshire Core Strategy (2006 -2026), and Policies OVS.5, OVS.6 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).

### **27. Thames Water**

No dwelling shall be occupied until confirmation of capacity of the water supply and any upgrades required to accommodate the development from Thames Water has been submitted and approved in writing by the local planning authority as part of a discharge of condition application for that purpose. The confirmation from Thames Water shall provide that either:

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

Where a development and infrastructure phasing plan is agreed with Thames Water, no occupation of those agreed dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

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Reason: To ensure the provision of adequate and appropriate infrastructure for water supply. The development may have low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any identified reinforcement works will be necessary in order to avoid low / no water pressure issues. This condition is applied in accordance with the National Planning Policy Framework, Policies CS5 of the West Berkshire Core Strategy (2006-2026).

### **28. Petrol / oil interceptors**

No development shall commence until details of petrol / oil interceptors to be fitted in all car parking areas are submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained and maintained thereafter as the approved details.

Reason: To ensure the protection of the watercourses within the area from potential pollutants. The approval of this information is required before development commences because insufficient information accompanies the application and the details of petrol / oil interceptors must be in place before construction operations commence. This condition is applied in accordance with the National Planning Policy

Framework, Policies CS14 and CS16 of the West Berkshire Core Strategy (2006 - 2026), and Policies OVS.5 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).

### **29. Landscaping**

All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing numbers Detailed Soft Landscaping proposal ACD Environmental CALA22960-11A Sheets 1 and 2.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.

### **30. Landscaping implementation**

The approved landscaping plan Detailed Soft Landscaping proposal ACD Environmental CALA22960-11A Sheets 1 and 2 shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.

### **31. Tree Protection**

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Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing numbered plan Barrell tree Consultancy Tree Protection Plan 20066 BT-3.

Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.

### **32. The Arboricultural Method Statement**

The Arboricultural Method Statement and tree protection measures within report ref: Barrell tree Consultancy Arboricultural Method Statement V2.1 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **33. Arboricultural supervision condition**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

## ***Informatives***

### **1. Approach of the LPA**

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

### **2. CIL**

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability

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Notice setting out further details, and including the amount of CIL payable will be sent out separately from the Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### **3. Legal agreements - Section 106**

This Decision Notice must be read in conjunction with the terms of the Legal Agreement of the \*. You are advised to ensure that you have all the necessary documents before development starts on site.

### **4. Fire hydrants**

There are at present, no available public mains in this area to provide a suitable water supply in order to effectively fight a fire. The applicant is advised to provide suitable private fire hydrants, or other suitable emergency water supplies to meet Royal Berkshire Fire & Rescue Service requirements. The attached condition is instructive.

### **5. Surface water drainage (Thames Water informative)**

It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

### **6. Thames Water main(Thames Water informative)**

There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

### **7. Construction noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health. For more information:

email [ehadvice@westberks.gov.uk](mailto:ehadvice@westberks.gov.uk), call 01635 519192,

or visit <http://info.westberks.gov.uk/environmentalhealth>.

### **8. Access construction**

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should

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be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

**9. Damage to verges,etc.**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

**55. Appeal Decisions relating to Western Area Planning Committee**

Members noted the outcome of appeal decisions relating to the district.

Councillor Hilary Cole noted that appeal decisions were listed by committee, which was useful in allowing Members to see decisions in areas they were not directly involved with. She thanked officers for their work.

*(The meeting commenced at 6.30 pm and closed at 9.38 pm)*

**CHAIRMAN** .....

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