

Notice of Meeting



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Western Area Planning Committee Wednesday 17 March 2021 at 6.30pm Update Report

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148
Email: planningcommittee@westberks.gov.uk

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

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: jenny.legge@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 9 March 2021



Agenda - Western Area Planning Committee to be held on Wednesday, 17 March 2021
(continued)

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

Substitutes: Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Erik Pattenden, Garth Simpson and Martha Vickers

Agenda

Part I

Page No.

- (1) **Application No. and Parish: 21/00114/COND1, Land Off Faraday Road and Kelvin Road, Newbury** 5 - 10
- Proposal:** Approval of Details reserved by Condition 5 (Phasing Programme of Works) of Approved Application 19/00891/OUTMAJ - Section 73: of Condition 6 - Phasing of previously approved application 18/01553/OUTMAJ: Section 73: Variation of conditions to allow for the development to be phased as detailed in submitted schedule of appeal reference APP/W0340/W/14/3002040. (12/00772/XOUTMA).
- Location:** Land Off Faraday Road and Kelvin Road, Newbury.
- Applicant:** Faraday Development Ltd.
- Recommendation:** To delegate to the Head of Development and Planning to GRANT APPROVAL OF THE SUBMITTED DETAILS subject to conditions.
- (2) **Application No. and Parish: 20/02039/FUL, Land West Of Pumping Station, Enborne Row, Wash Water, Enborne** 11 - 14
- Proposal:** Construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.
- Location:** Land West Of Pumping Station, Enborne Row, Wash Water, Enborne.
- Applicant:** Charles Doherty.
- Recommendation:** To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions.



Agenda - Western Area Planning Committee to be held on Wednesday, 17 March 2021
(continued)

- (3) **Application No. and Parish: 18/03340/COMIND, Newbury Racecourse, Racecourse Road, Greenham** 15 - 16
Proposal: Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1).
Location: Newbury Racecourse, Racecourse Road.
Applicant: Newbury Racecourse.
Recommendation: The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.
- (4) **Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham** 17 - 18
Proposal: Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms.
Location: The Lodge at Newbury Racecourse, Racecourse Road.
Applicant: Newbury Racecourse.
Recommendation: The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke
Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



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**WESTERN AREA PLANNING COMMITTEE
DATED 17TH March 2021**

UPDATE REPORT

This report sets out the running order for tonight's Committee meeting. It indicates the order in which the applications will be heard, the officer presenting and anyone who has made written submissions either in favour or against the application.

Any additional information that has been received since the main agenda was printed will be contained in this report. It may for instance make reference to further letters of support or objection. This report must therefore be read in conjunction with the main agenda [and the written submissions pack](#).

The report is divided into four main parts:

- Part 1 - relates to items not being considered at the meeting,
- Part 2 - any applications that have been deferred for a site visit,
- Part 3 - applications where members of the public have made written submissions,
- Part 4 - applications that have not attracted written submissions.

Part 1	N/A	
Part 2	N/A	
Part 3	Item (1) 21/00114/COND1 - Land Off Faraday and Kelvin Road, Newbury	Pages 27- 46
	Item (2) 20/02039/FUL - Land West Of Pumping Station, Enborne Row, Wash Water	Pages 47 - 70
	Item (3) 18/03340/COMIND - Newbury Racecourse, Racecourse Road, Newbury	Pages 71 - 90
	Item (4) 19/00225/COMIND - The Lodge at Newbury Racecourse, Racecourse Road	Pages 91 - 120
Part 4	N/A	

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**WESTERN AREA PLANNING COMMITTEE
17TH MARCH 2021**

UPDATE REPORT

Item No: (1) **Application No:** 21/00114/COND1 **Page Nos.** 27-46

Site: Land Off Faraday Road and Kelvin Road, Newbury

Planning Officer Presenting: Sian Cutts

Member Presenting: N/A

Written submissions

Parish Council: N/A

Objector(s): Arnold Ward on behalf of Alan Pearce – available to answer questions at meeting

Supporter(s): N/A

Applicant/Agent: N/A

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

1. Additional Consultation Responses

Public representations:	An email has been received from an objector confirming that they wished to remove the objection and alter the stance to neutral Total representations received: 14 Objections: 13 Support: 0 Neutral: 1
Newbury Town Council:	Support the application Newbury Town Council have always supported this development since it was proposed in 2008, and 2012 and regret the time taken for West Berkshire Council to support the applicant, and the loss to the economy. Note the uncertainty about the overall planning status of the wider London Road Industrial Estate.

	<p>This application is to approve the phasing of the development and distribution of affordable housing. Welcome the ‘pepper potting’ of units, which is difficult in flats, but welcome that this has been done.</p> <p>Concerned that even when a development in a designated employment area produces a 10 fold increase in jobs that there is an objection about the number of housing, even when 30% is affordable.</p> <p>We understand the objectors concerns about flooding, and we share the concerns but this is not the time or place to address those concerns.</p> <p>We did to receive notification of this application until it was on the agenda, and did not have the usual opportunity to discuss it.</p> <p>Almost any redevelopment of the London Road Industrial Estate will be obliged to improve surface water drainage, and the flood risk to many of the objector’s properties. The sooner the pre-commencement conditions are discharged the better. We wish to see the proposal built.</p>
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2. Clarification of Number of Dwellings Proposed

Paragraph 6.3 of the Officer’s report refers to 330 dwelling units to be provided in the development. This is incorrect, and planning permission has been granted for 160 units. Paragraph 6.6 refers to the remaining market housing being provided in phase 3 as 239 units, this is incorrect and it is 99 units. The report is correct in that 48 of those units will be affordable housing which is a 30% provision in compliance with policy CS6 of the Core Strategy. Within phases 2 and 3 when the housing elements of the development will be delivered, 30% of the dwellings in each phase to be provided will be affordable units. Within both phases the affordable units are spread throughout each block. The table below summarises each phase of the development.

	Proposed Development	No. of Dwelling units	No of Affordable Units	Number of Market Units
Phase 1	Access from Kevin Road and establishment of works compound	0	0	0
Phase 2	Residential Blocks H & I	Block H – 21 Block I -40	Block H -6 Block I - 12	Block H -15 Block I - 28
Phase 3	Mixed retail and residential Block A	Block A -13	Block A - 3	Block A -10
	Residential Blocks B, C & D	Block B- 37 Block C - 28 Block D - 21	Block B- 12 Block C- 9 Block D-6	Block B- 25 Block C- 19 Block D - 15
	Office Block G	0	0	
	Car dealership Block J	0	0	
	Access from Fleming Road	0	0	

	Access from Faraday Road	0	0	
Phase 4	Office Block E Apart Hotel Block F	0	0	0

3. Updated Recommendation

The recommendation remains as set out in the agenda committee report

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WESTERN AREA PLANNING COMMITTEE 17th MARCH 2021

UPDATE REPORT

Item No: (2) **Application No:** 20/02039/FUL **Page No.** 47-70

Site: Land West Of Pumping Station, Enborne Row, Wash Water

Planning Officer Presenting: Cheyanne Kirby

Member Presenting: N/A

Written submissions

Parish Council: Additional comments have been received from the Parish Council

Objector(s): Mr Richard Coward - Available to answer questions at the meeting

Supporter(s): N/A

Applicant/Agent: Mr David Wood, The Agent - Available to answer questions at the meeting

Ward Member(s) speaking: Councillor Dennis Benneyworth
Councillor James Cole
Councillor Claire Rowles

1. Additional Consultation Responses

Public representations:	Additional comments have been received from the Parish Council
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2. Additional Comments

The additional comments from Enborne Parish Council (below) take an alternative view to that set out by the case officer in her report. The case officer has considered the additional comments and remarks as follows:

The Committee report sets out that animal welfare is not a material planning consideration due to it being covered by different legislation. The case officer's assessment of this application is made on the basis of the material planning considerations. In this respect, however, to explore the matter of the viability of the land for the use proposed the agent has submitted a justification statement has address the concerns raised in respect of the suitability of the land. Whilst the Animal Welfare Officer has stated his concerns regarding the viability of the land for the proposed use it is for the applicant to ensure they meet animal

welfare regulations, without which the site cannot be used for purposes of keeping of equines. The applicant's address is also not a material planning consideration, nor the practicality of the applicant implementing an approved change of use in light of the distance they currently live from the site. It should be noted that planning permission goes with the land rather than the applicant.

The DEFRA Code of Practice is advice and is read in conjunction with the Animal Welfare Act, therefore is not planning policy and only offers advice/guidance on this separate non-planning legislation. Concerns in respect of provision of a fresh water supply for the equines are not a planning matter and is for the applicant to address those requirements in order to comply with the Animal Welfare Act if planning permission is granted.

The comments relating to the public rights of way are noted however the condition of the public right of way would be of concern to the public rights of way team; the applicant may not choose to use these public rights of way if not suitable for their equines.

The highways engineer was consulted a did not raise any concerns regarding the access as there is an existing access onto the road itself which would be utilised as part of this application; the proposal is also for private use, and therefore the number of vehicle movements would be considered acceptable in this location.

The comments in relation to the potential permission for residential use are also noted. There are no permitted development rights for equestrian use and change of use to residential. If the applicant wished to seek residential use of the site they would have to apply for planning permission. Therefore any residential use of the site would require consideration against national planning policy and the policies of the Local Development Plan.

3. Updated Recommendation

The recommendation remains as set out in the agenda committee report

To: Western Area Planning Committee 17 March 2021

From: Enborne Parish Council

Objection to Planning Application 20/02039/FUL

This application looks superficially attractive in proposing an apparently constructive use for a piece of land which has been derelict for some time. Closer examination however shows it to be impractical for equestrian use to an extent which raises questions as to the real purpose of the application.

As there are ample detailed objections submitted and published this update mainly focusses on the Committee Report from Planning.

Policy ENV.29 discussed in paragraphs 6.8, 6.9 and 6.10: 6.9 concedes the area of land available to the two horses is well below that recommended by DEFRA guidance. The Animal Health Officer was consulted as discussed in 6.25, 6.26 and 6.27. His view was that the area of land available was far short of adequate. Following further 'justification' from Kernon, the applicant's consultant, the officer was unimpressed and confirmed he had serious concerns for welfare of the ponies.

Paragraph 6.26 refers to the applicant living in Abingdon 25 miles away and intending to visit twice a day. The applicant address is in Park Royal, London. Proposing to travel 100 miles a day to this small site is not environmentally sensible or likely.

The DEFRA Code of Practice referred to requires planning authorities give consideration to the availability of adequate natural grazing to exercise and maintain the health of the animals. It also requires planning to ensure a copious supply of fresh water to site daily. There is no existing source of fresh water on the site and this is not addressed in the application.

6.10 refers to public byway ENBO/12A/1 being 'only' 270m away along the 60mph road which leads to a bridleway (ENBO/12/1). That byway is heavily rutted by vehicles and waterlogged during winter making it unsuitable for horse riding especially for children and ponies. The visibility splay is misleadingly illustrated in the Committee Report Site Photos as the 'Google street view of application site (Looking West)' is taken from the wrong side of the road and too close to the entrance. Traffic coming west along that stretch often accelerates hard under the A34 flyover to be travelling close to or exceeding 60mph by the time they pass the site. The photos provided in the resident objection from Richard Coward give a more accurate guidance and show there is no way any horse can access the road safely from the proposed location. The ponies would therefore need to be transported frequently from and to the site for exercise but there is no adequate space available to manoeuvre horse trailers in the proposed plan.

The conditions proposed appear comprehensive and may be adequate to manage likely waste and pollution risk to the River Enborne if fully implemented. The costs of doing so however are likely to prove prohibitive compared with more practical livery closer to the home of the applicant. The real purpose of the application therefore appears to be to achieve equestrian use which can then leverage eventual permission for housing, as suggested in the currently withdrawn land sale advert.

Enborne Parish Council

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WESTERN AREA PLANNING COMMITTEE 17TH MARCH 2021 UPDATE REPORT

Item No: (3) **Application No:** 18/03340/COMIND **Page No.** 71-90

Site: Newbury Racecourse, Racecourse Road, Newbury

Planning Officer Presenting: Simon Till

Member Presenting: N/A

Written submissions

Parish Council: N/A

Objector(s): Raymond Beard – Available to answer questions at meeting

Supporter(s): N/A

Applicant/Agent: N/A

Ward Member(s) speaking: Councillor Phil Barnett
Councillor Billy Drummond
Councillor Erik Pattenden

1. Update regarding noise complaints

Members will recall that at the previous Committee meeting when considering this application, on 03 July 2019, officers provided information on complaints received by environmental health and the Lodge management. By way of an update environmental health have confirmed that no further complaints have been received since February 2016 in respect of noise nuisance from the lodge.

The racecourse have also commented as follows:

“The racecourse have checked their log of complaints as requested and to the best of our knowledge there have been none since the last committee according to the relevant logs. We can't be 100% sure that this is the case because the hotel manager who keeps the log is on furlough so we can't double check, however I can't see that there would have been any further complaints during the lockdown.”

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WESTERN AREA PLANNING COMMITTEE 17TH MARCH 2021 UPDATE REPORT

Item No: (4) **Application No:** 19/00225/COMIND **Page No.** 91-120

Site: The Lodge, Newbury Racecourse, Racecourse Road, Newbury

Planning Officer Presenting: Simon Till

Member Presenting: N/A

Written submissions

Parish Council: N/A

Objector(s): Raymond Beard – available to answer questions at meeting

Supporter(s): N/A

Applicant/Agent: N/A

Ward Member(s) speaking: Councillor Phil Barnett
Councillor Billy Drummond
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