

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 9 AUGUST 2017

Councillors Present: Howard Bairstow, Jeff Beck, Hilary Cole, James Cole (Substitute) (In place of Adrian Edwards), Billy Drummond, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

Also Present: Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Rachel Craggs (Principal Policy Officer (Equalities)), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Policy Officer) and Shiraz Sheikh (Principal Solicitor)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth, Councillor Paul Bryant and Councillor Adrian Edwards

PART I

15. Minutes

The Minutes of the meeting held on 19 July 2017 were approved as a true and correct record and signed by the Chairman.

16. Declarations of Interest

Councillors Jeff Beck, Billy Drummond and Anthony Pick declared an interest in Agenda Item 4(1), but reported that, as their interests were 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 Clive Hooker declared an interest in Agenda Item 4(2), but reported that, as his interest was personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Paul Hewer declared an interest in Agenda Item 4(1), and reported that, as his interest was an disclosable pecuniary interest or a other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

17. Schedule of Planning Applications

(1) Application No. and Parish: 17/01096/OUTMAJ, Land to the north of Pinchington Lane, Newbury

(Councillors Jeff Beck and Anthony Pick declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Newbury Town Council and its Planning and Highways Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

(Councillor Billy Drummond declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a member of Greenham Parish Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

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(Councillor Paul Hewer declared a personal and prejudicial interest in Agenda Item 4(1) by virtue of the fact that he was employed by a Social Housing Provider. As his interest was personal and prejudicial and a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter and would take no part in the debate or voting on the matter.)

In accordance with his declaration of interest Councillor Hewer left the meeting at 6.35pm.

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/01096/OUTMAJ in respect of land to the north of Pinchington Lane, Greenham.
2. In accordance with the Council's Constitution, Ms Lucy Crofts, objector, and Ms Laura Cox (Pro Vision), Mr Simon Cook (Hydrock), Mr Peter Shepherd (BSG Ecology), Mr John Birch (Glanville), agent, addressed the Committee on this application.
3. Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers consequently recommended the Committee grant planning permission.
4. Ms Crofts in addressing the Committee raised the following points:
 - She lived in Water Lane and had objected to the previous application.
 - She wished to suggest the Committee refuse the application as it was acting in opposition to the Housing Site Allocation Development Plan Document (HSADPD), which stated that these sites had a master-plan. She felt that there was no evidence of this or a plan that dealt with the cumulative traffic and ecological protection of the area, and that development was happening piece-meal.
 - She felt that there would be road safety issues where cycle and footpaths emerged onto Greenham Road, especially for children travelling to school.
 - She explained that the accumulated increase in traffic from all the four sites would exceed the 3% allowable maximum.
 - The HSADPD did not suggest a need for a Greenham Road access and she saw no reason to have one.
 - She was heartened that Councillors had been listening and that the covenant would remain in place on the public open-space, however she was unsure of its credibility, as the space was still being developed. She would like to see the Landowner working with the Fields in Trust organisation on a Deed of Dedication, which she felt would protect the land from further development. However, she had been advised that this was not an acceptable option as it would prevent the land being built on in future, but that was the point.
 - She asserted that the Council were cherry-picking from the HSADPD for example, the need for a masterplan and a diversity plan were no longer considered necessary however, they were part of the policy.
 - Although she felt that land protection was improving, the lack of a master-plan was shocking.

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5. Councillor Jeff Beck asked where Ms Crofts potentially saw a need for a pedestrian crossing. She confirmed that it would be near to where the footpaths met Greenham Road. She felt some safety measures were needed.
6. Councillor Beck questioned whether Ms Crofts knew the potential footfall for the area. Ms Crofts answered that she did not know, but there were a large number of housing units being proposed and people would want to access the public open-space.
7. Paul Goddard noted that as a Highways Officer, he was content with the layout and the provision of access. He asserted that Officers had considered traffic from both sites and that there was a comprehensive package of junction improvements on the A339 that was being developed for these sites, and sites like Sandford. There was already a pedestrian island refuge to the south of the site and a signal crossing north of the Willows School. He observed that Officers had to consider where people were walking to and if they were likely to need to cross the road, when walking to and from the development.
8. Ms Cox in addressing the Committee raised the following points:
 - She concurred with Michael Butler's introduction that this was practically an identical application as had been approved by the Committee in January 2017 and that this site appeared in the HSADPD, adopted in May 2017.
 - The proposal had been shaped by extensive consultation and the site had been monitored over the last 15 years.
 - There had been no material change in circumstances. The site contributed to the Council's five year land supply and had been used in the appeal decision for the Siege Cross application.
 - The proposal had the full support of Officers, the Environment Agency and the Wildlife Trust; and gave long term protection to the land through the covenant, policy and a habitat and environment management plan.
 - This development would turn a wasteland into an attractive area and was the subject of a comprehensive master-plan which had been worked on since 2009, to manage a former land-fill site.
 - The site would have easy access to the town centre, employment, services, sports facilities, education and public open-spaces.
 - Following the comment from the objector, the applicant would agree to the provision of an additional pedestrian crossing over Greenham Road, as part of the Section 278 agreement.
9. Councillor Anthony Pick asked for clarification on the source of income for paying the management company that would maintain the public space in perpetuity and if a company had been nominated.
10. Ms Cox explained that the applicant had met with solicitors and the Council's solicitors to discuss arrangements, but had not yet identified a specific company. She expected that residents would be asked to contribute to the cost of the management company and that Rivar would provide a bond, if necessary. These discussions were ongoing.
11. Councillor Billy Drummond was concerned that the cost of decontaminating the land, might lead to the 40% affordable home provision becoming unviable. He wondered if the existing site at the retail park, where decontamination had already been carried out, would give the applicant some idea of cost.

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12. The Chairman explained that until the outline application had been approved, the applicant could not carry out a land contamination survey and therefore discover the cost of the work to be carried out. It was a Catch 22 situation.
13. Councillor Billy Drummond, in addressing the Committee as Ward Member, raised the following points:
 - He thanked Ms Croft for her presentation and Greenham Parish Council for their support.
 - He was concerned about the traffic on Pinchington Lane and Greenham Road and would like to see further work on this, if the Committee were minded to approve the application.
 - He would like the covenant between the Council and Rivar retained.
 - He felt that the only good thing about the proposal was the high number of affordable homes it would provide.
 - He could not support the application.
14. Councillor Beck asked if Officers had been presented with the cost of decontamination and whether this would impact on the viability of the affordable units. Michael Butler explained that there was not a precise figure, as the detailed work would be completed for the Reserved Matters application. He informed the Committee that the quality of reclamation for residential properties was far higher and, therefore, more costly than that of the retail park. However, he believed it was the legitimate expectation of the applicant that they would provide 40% affordable housing on the site. It was also legitimate to include clauses in the Section 106 agreement that allowed for reconsideration of this provision, should costs become prohibitive.
15. Councillor Drummond requested that Legal Officers were involved in discussions relating to the management company costs. Councillor Beck felt that the management costs should be paid for by the social housing provider rather than the affordable home's tenants. Michael Butler explained that this was not a material planning matter, but would be part of the ongoing discussions with the applicant. He added that insurance bonds were common practice, for example one had been provided to cover the work at the railway bridge at the Newbury Racecourse development.
16. Councillor Virginia von Celsing asked if the covenant on the land was worth the paper it was written on and wondered what the value was of having a covenant on an open-space if it did not stop development.
17. Shiraz Sheikh explained that a covenant was a legally binding promise between parties. The deed could only be released upon agreement of all the parties.
18. Councillor Howard Bairstow asked if the area to the south had been a land-fill site. Michael Butler answered that it was the former Greenacres Leisure Centre site and therefore not part of the landfill site.
19. Councillor Drummond expressed concern over the possible light pollution from the site. Michael Butler recognised that lighting was an important factor for the elevated site and a condition had been prepared on page 38, point 15 of the agenda, which required the submission of a lighting design strategy.
20. Councillor James Cole inquired if there was a master-plan for the four sites. Michael Butler confirmed that there was, however council policy could not control ownership

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of the land. If the developments were all part of the same application Officers would have more control over land management, but they were owned by different companies and therefore the council's level of control was limited.

21. Councillor Beck proposed that the Committee accept officer's recommendation, including the additional condition in the update report, to grant planning permission. Councillor Hilary Cole seconded the proposal.
22. Councillor Pick stated that he saw no reason to refuse. He noted that this was not the first time the management of an open-space for perpetuity had been discussed and he felt that this might be the time to co-ordinate a single approach to deter further debate on similar issues of funding. He also asked that officers monitor the need for road crossings, as this concern had been brought forward by a local resident with local knowledge. The Chairman confirmed this had been noted.
23. Councillor von Celsing asked if a Deed of Dedication, as suggested by Ms Crofts could be applied, as it was more substantial than a covenant. Shiraz Sheikh explained this would be discussed as part of the Section 106 negotiations.
24. Councillor James Cole inquired if the Highways Officer would include the additional crossing offered by Ms Cox. Paul Goddard noted that a further crossing had been offered by the applicants, which he was happy to look into and work with the developer to provide if physically possible to provide.
25. The Chairman invited the Committee to vote on the proposal of Councillor Beck, seconded by Councillor Cole, to accept the officer's recommendation to grant planning permission. At the vote the motion was carried. Councillor Drummond voted against the proposal.

RESOLVED that the Head of Development and Planning be authorised to **grant** planning permission subject to the first completion of a Section 106 obligation, with the following conditions:

Conditions

Time limit

1. The development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - 1 - 3 years from the date of this decision
 - 2 - the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

Reason: to clarify the permission in accord with the advice in the DMPO of 2015.

Reserved matters

2. Full details of the external appearance of the housing, the scale, and the landscaping of the site, the ('reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission, and shall be approved in writing by the Local Planning Authority before any building or other operations start on site. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and

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such consideration is required to ensure that the development is in accordance with the advice in the DMPO of 2015.

Drainage strategy

3. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Hours of working.

4. The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Highways layout.

5. 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. The road and footpath design should be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application. All the required s278 and s38 agreements shall be completed prior to the first occupation of any dwelling.

Reason: In the interest of road safety and flow of traffic, and waste disposal. . This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

CMS

6. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

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

Removal of permitted development rights.

7. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with the advice in the NPPF of 2012.

Fire hydrants

8. No development shall commence until details of fire hydrant provision on the site has been submitted and agreed with the LPA. The development must be carried out in strict accord with this scheme prior to any dwelling occupation.

Reason: To protect public safety in accord with the advice in the NPPF of 2012.

Suds.

9 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;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- d) Include a drainage strategy for surface water run-off from the site;
- e) 1. Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change, plus a stress test for the affect of a 40% increase;
- i) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.

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- l) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- n) 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 residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- p) 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);
- r) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- v) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- x) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- y) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details 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), and Part 4 of Supplementary Planning Document Quality Design (June 2006). 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.

Land contamination.

10. No development shall commence in each phase approved by this planning permission until a scheme that includes the following components to deal with the risks

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associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The land was previously landfill. It will need to be remediated in accord with NPPF advice.

Verification.

11. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accord with the advice in the NPPF.

Remediation.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unexpected contamination encountered during the developments is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water in accord with the NPPF advice.

Piling.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which maybe given for those parts of the site where it has been demonstrated that there

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is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The site is on a former landfill, piling could lead to the contamination of groundwater, in accord with the advice in the NPPF.

Access.

14. No development shall take place until details of the proposed accesses into the site 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 dwellings are occupied in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

Lighting.

15. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the LPA. This is required to identify locations particularly sensitive to bats, indicate where the lighting is to be installed, and so installed in accord with the approved details.

Reason: to protect the local bat population in accord with the advice in the NPPF.

CEMP

16. No development shall take place [including demolition] until a CEMP has been submitted to and approved in writing by the LPA. This shall include:-

- 1 - Risk assessment of potentially damaging activities to local ecology.
- 2 - The location and timing of sensitive works to avoid harm to local biodiversity.
- 3 - Times on site when an ecologist is needed.
- 4 - Use of protective fences.

This CEMP shall be adhered to in full during the construction process.

Reason: to conserve local biodiversity in accord with the advice in policy CS17 in the WBCS.

Landscape Management Plan.

17. No development or other operations shall commence on site until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006 to 2026.

Arboricultural Method Statement

18. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of

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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 in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy

Watching Brief.

19. 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 in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

Tree works.

20. No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority. In addition, no trees, shrubs or hedges shown as being retained on tree survey 824-01.1 & 824-01.2 shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and the policy CS18 in the WBCS of 2006 to 2026.

Height restriction.

21. All the proposed dwellings hereby permitted, shall be of two storey height only [with NO rooms in the roof] apart from the proposed 3 storey building facing Pinchington Lane [Plots 116 to 157].

Reason: To ensure that the overall visual impact of the scheme is restrained given the plateau nature of the site having regard to the advice in policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

Floor levels

22. No development shall commence until full details of the finished floor levels of the proposed new dwellings have been submitted to and approved in writing by the Council. The development shall then be carried out in strict accord with those approved levels.

Reason: To ensure the development has no undue visual impact having regard to policy CS19 in the WBCS of 2006 to 2026.

INFORMATIVE:

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

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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 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 Notice setting out further details, and including the amount of CIL payable will be sent out separately from this 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

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

(2) Application No. and Parish: 17/01235/COMIND, Plantation Farmhouse, Beedon

(Councillor Clive Hooker declared a personal interest in Agenda Item 4(2) by virtue of the fact that he had been lobbied. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

Councillor Paul Hewer did not return to the meeting.

Due to the declaration of interest of the Chairman and in the absence of the Vice-Chairman of the Western Area Planning Committee, Members **RESOLVED** that Councillor Hilary Cole be appointed as Chairman of this item only.

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/01235/COMIND in respect of the erection of a free range egg laying unit.
2. In accordance with the Council's Constitution, Dr Allen Careless (on behalf of residents of Beedon Common), objector, and Mr Roger Gent and Mr Ian Pick, applicant/agent, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was not acceptable and a conditional approval was not justifiable. Officers consequently recommended the Committee refuse planning permission. He further informed the Members that if they chose to approve planning permission, this application would be referred to the District Planning Committee, as it was against their own policy.
4. Councillor Hilary Cole noted that there was no request made by the Parish Council to speak on this item. It was regrettable that Beedon Parish Council had not commented on the application, as it would have helped the Committee make their decision. The Chairman felt strongly that some comment should have been forthcoming. If a member of the Parish Council had an interest in the application they should have left the room to allow for forthright and open discussion by the remaining members. There were mechanisms in place, as had occurred with Councillor Clive Hooker and Councillor Paul Hewer at this Committee, to allow for such an occasion.
5. Dr Careless in addressing the Committee raised the following points:

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- He was speaking on behalf of the residents of Beedon Common
 - The neighbouring cottages were 200-300 yards from the development; relatively close in such an open landscape.
 - He and his neighbours had chosen to live in the area because of the openness and they felt passionate about protecting it. They commended the officers for their report and excellent analysis.
 - They understood Roger Gent's wish to sustain his business, but felt this was the wrong development in the wrong place.
 - He felt the visual impact of such an industrial scale development was unacceptable and it had been sited in the worst place it could be within the farm.
 - Due to the topography of the land, the unit would be clearly visible for miles away on the public rights of way (PROW).
 - The emphasis on screening was inappropriate, as the block of trees in an open landscape would emphasise the incongruity of the unit, rather than disguise it.
 - In terms of economic benefit for the area, it was a highly mechanised unit and would require a maximum of two people to work in it. He felt this did not mitigate the harm.
 - He was concerned about the environmental impacts of noise, smell, light pollution and the attraction of vermin.
 - The increased volume of transportation of waste, feed and carcase disposal would cause upset.
6. Councillor Garth Simpson noted that the Heavy Goods Vehicles (HGVs) that serviced the existing sheds did not pass Dr Careless property. Dr Careless commented that there was a network of narrow lanes and poor signage, which already caused problems for large vehicles.
 7. Councillor Anthony Pick asked if there was an agreement with Environmental Health Officers that neighbours would not be disturbed. Dr Careless reflected that this was based on theoretical models and once it had been made reality, it would be too late.
 8. Councillor Howard Bairstow observed that the houses were surrounded by a lot of woodland and inquired if Dr Careless would still object to the application if Mr Gent were to use woodland to screen the unit. Dr Careless felt that the proposed plantation was not appropriate. He would not object to mixed woodland.
 9. Councillor Billy Drummond asked if the residents had had any trouble with the existing chickens in the mobile unit. Dr Careless noted that the mobile unit was on the other side of the farm.
 10. Councillor Clive Hooker asked if the objector considered his own house and those of his neighbours as appropriate in such an open landscape. Dr Careless felt they were attractive cottages, appropriate to the landscape.
 11. Mr Gent in addressing the Committee raised the following points:
 - Egg production had started in 1999, following the out break of Bovine Spongiform Encephalopathy (BSE). Production was increased in 2001 following the Foot and Mouth outbreak. There were still some cows on the farm, but he felt it was only a matter of time before they became infected with tuberculosis (TB). He considered free range egg production as the way forward, as it stood alone without subsidy. This had to be taken into consideration post Brexit.

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- He took great care to protect the countryside and had been involved in woodland schemes and environmental work. He felt that the Area of Outstanding Natural Beauty (AONB) had to change and evolve alongside the changes that farmers had to embrace.
 - Time and care had been taken in the preparation of the proposal. It offered employment and trees and hedgerows. They would grow the crops to feed their own hens.
 - Demand for free range eggs had risen by 7-8% and regulations now meant that all hens had to be free range by 2025. Currently, nationally 60% were cage free.
 - It was a large investment for the farm and there had to be a robust plan to ensure it would work.
12. Mr Pick in addressing the Committee raised the following points:
- There was only one reason that this application had to be considered by the Committee and that was because of the AONB. He felt that this impact could be mitigated, as with the two existing units, by tree planting around the building.
 - The units would be visible from the PROW, but he felt it was not unusual to see farm buildings in a farming landscape.
 - This was a relatively small project and was essential for the business to survive.
13. In answer to queries from Councillor Pick, Mr Gent replied that there would be one full time member of staff and a second person to help assist with egg collection. The shed was needed to provide a place for roosting, nesting, feeding and watering for the birds. He was legally bound to have a robust plan in place for vermin control. He used the new style of electric fencing that was wildlife friendly and would allow hedgehogs to pass through unharmed.
14. Councillor James Cole inquired how many extra lorries would be needed. Mr Gent explained that one extra lorry a week would be needed to bring food. The current pick up lorry was not used to its full capacity and therefore the additional eggs produced would just make it more efficient to use.
15. Councillor Cole further asked if Mr Gent would be prepared to plant larger trees than the three to four feet saplings proposed. Mr Gent agreed that he would. He had previously taken guidance from the Forestry Commission on what type of trees to plant and would do so again.
16. Councillor Simpson questioned the reasons for the location of the unit. Mr Gent explained that each building had to be allocated a fenced range for the birds. Due to the amount of PROW that cross the farm, if it was sited anywhere else the PROWS would run through the range.
17. Councillor Drummond recounted his experience as a chef and the dreadful smell of ammonia when sourcing eggs from a farm. Mr Gent explained that the older sheds got mucked out once a year. The new style shed was mucked out weekly. The farm had been producing eggs for 18 years and had never received a letter of complaint about a smell.
18. Councillor Drummond asked if Mr Gent was concerned about bird-flu. Mr Gent observed that he was caught between the devil and the deep blue sea, as he was required to have screening, but the trees attracted wild fowl that could bring the disease.

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19. Councillor James Cole wondered what Mr Gent felt about the criticism that a woodland would look more natural and whether he would consider making the plantation bigger. Mr Pick noted that in the surrounding area there were five or six coppices that looked very similar to the plantation proposed. The AONB officer had proposed clumps of trees, as would be found in parkland, but he felt this was not appropriate for the area. In comparison, in the fields adjacent to his property, there were huge concrete buildings with no screening at all.
20. Councillor Hilary Cole inquired if he had consulted with his neighbours. He said he had done so. She further asked if he had sought guidance from the Council's AONB officer or pre-application advice. Mr Gent stated that he had taken independent guidance.
21. Councillor Simpson asked if the landscape in the AONB had changed over the years Mr Gent had farmed there. Mr Gent observed that he had been replanting boundaries and trees, but that it was basically the same open and sporadically wooded landscape. If it hadn't been farmed, it would have been scrubland.
22. Councillor Clive Hooker in addressing the Committee as Ward Member raised the following points:
 - It was the officer's recommendation to refuse the application as it was in an AONB. The Committee can overturn this for exceptional circumstances.
 - This was a family run business; not a large enterprise. They have farmed the land for three generations and it would never be their intention to degrade the landscape.
 - The business had to expand to be competitive. Free range eggs were the future as battery farms were no longer allowed. This farm was contributing to our food supply.
 - There were two existing barns already operating in the AONB. Councillors would have observed how well hidden the current units were by screening. The roofline of the new unit would be below that of the existing units. The applicant had agreed to use larger trees, as suggested by Councillor Cole.
 - The unit they proposed to install was the smallest and most modern available, with little noise or odour escaping. We lived in modern fast moving times and we had to find ways to be more efficient.
 - Helping to ensure the survival of a rural business was not a unique position for this Committee, there was also the bakery in Chieveley.
 - 74% of the district was in an AONB. Any farm would need to expand their business and contribute to the economy.
23. Councillor Pick noted that there had been previous applications on the property and asked if they had been for similar proposals. He also queried whether, in the case of a farm, there was a conflict between economic development and preservation of the AONB. Derek Carnegie observed that a balance had to be struck within the council's policy.
24. Councillor Hooker sought clarification on whether a refusal could be construed as restrictive on the viability of the business and whether all businesses in the AONB should expect to be refused permission. Derek Carnegie replied that it may well have been there was a more appropriate location that would have, on balance, been acceptable.

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25. Councillor Virginia von Celsing relayed her experience of the site visit. On arrival, she could not believe that the development had been suggested for such a beautiful area however, she was impressed that she couldn't see the existing units and this had changed her mind. She felt that far worse applications on other sites had been allowed and that, on this site, the impact was acceptable. Following Brexit, subsidies were only guaranteed until 2022 and rural businesses had to diversify. She agreed with Councillor James Cole's idea for planting larger native trees. She appreciated the residents' views, but felt that life had to go on.
26. Councillor von Celsing proposed that the Committee grant planning permission, against the officer's recommendation. Councillor Simpson seconded the proposal.
27. Councillor Jeff Beck commented that it seemed that farmers were expected to retain the countryside for urban dwellers. He agreed with Councillor Hooker that farming was a business that we relied on for our food. The public had demanded free range eggs for ethical reasons and Mr Gent was going with the public trend. He suggested that conditions for approval could be drawn from the responses to the consultation, such as:
 - a) Chieveley Parish Council, page 44: to repair or meet the costs of repairs to footpath BEED 16/1 where the road crosses the path should it become damaged or in poor condition due to heavy goods vehicles using the access road
 - b) Rambler's, page 45: add warning signs to the BEED/16/1 footpath for the benefit of HGV drivers and pedestrians.
 - c) Point 6.2.14, page 55: retention and replacement of trees, where necessary
 - d) Point 6.6.2, page 57: that any trees, shrubs or hedges which die within five years are replaced within the next planting season
 - e) Point 6.7.2, page 57: add silt traps to the soakaways
 - f) Point 6.7.4, page: details of the collection, storage and spreading over the land of the waste and a construction method statement that dealt with pollution risks.
 - g) Update report, page 1: scheme to dispose of surface water submitted and approved by the local planning authority.
28. Councillor Simpson observed that he had, on first sight, agreed with officers but on listening to the arguments he had changed his mind and felt that the land should not be set in aspic. He recounted that 200 years ago trees had been cut down to feed the industrial revolution and that it was inevitable that farming practices had to change following Brexit. He felt that the AONB had a crisp and artificial look to it and that by using arboreal tricks the new unit would be well screened.
29. Councillor James Cole believed this was a very professional operation and agriculture was changing. In other areas, agricultural buildings were being converted in to residential houses. The land on this farm was not good enough for intensive crop farming and TB was a genuine problem for beef farmers. He felt it was an efficient use of the land.
30. The Chairman invited the Committee to vote on the proposal of Councillor von Celsing, seconded by Councillor Simpson, to grant planning permission, against the officer's recommendation at the vote the motion was carried unanimously.

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- 31. Councillor Hooker agreed with the Member's comments and noted that West Berkshire Council needed to address the ways it accommodated businesses in the AONB in its next Local Plan.
- 32. Councillor Pick felt that this type of application should be approached in the same way as that of a listed building, in that it had a strong economic base supporting the decision.
- 33. Councillor Hilary Cole explained that under national policy the AONB had been granted great protection; to the same degree as national parks. She had a large amount of experience, from sitting on the AONB Council of Partners Board and viewed the AONB as a man-made landscape. She subscribed to efforts to protect it however, there had to be an acknowledgement of the value of the working community.
- 34. Before the vote, Councillor Hilary Cole reiterated that if Members were minded to approve this application, against officer recommendation, it would be referred to the District Planning Committee. This committee was comprised of members of both the Eastern and Western Area Planning Committees.

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

Conditions

Potential planning conditions will be decided by the District Planning Committee, should they agree to grant planning permission.

18. Appeal Decisions relating to Western Area Planning Committee

(Councillor Clive Hooker returned to the Chair at 8.35pm.)

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

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

CHAIRMAN

Date of Signature