

Note: These Minutes have been amended. Please see Minutes of 6 February 2019 for amendments.

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 16 JANUARY 2019

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

Also Present: Sharon Armour (Solicitor), Stephen Chard (Principal Policy Officer), Gareth Dowding (Senior Engineer), Debra Inston (Principal Conservation & Design Officer), David Pearson (Development Control Team Leader) and Cheryl Willett (Senior Planning Officer)

Apologies for inability to attend the meeting: Councillor Keith Chopping and Councillor Tim Metcalfe

PART I

45. Minutes

The Minutes of the meeting held on 19 December 2018 were approved as a true and correct record and signed by the Chairman.

46. Declarations of Interest

There were no declarations of interest received.

47. Schedule of Planning Applications

(1) Application No. & Parish: 17/00186/COMIND - The Grotto, Lower Basildon

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/00186/COMIND in respect of the proposal to convert and refurbish the existing listed residential building into a 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses.

Cheryl Willett (Senior Planning Officer) introduced the report which recommended approval subject to conditions and the completion of a Section 106 Legal Agreement. She explained that approval of the application would constitute a departure from the Council's Development Plan for the reasons outlined in the report. Those reasons included:

- The application was for a Main Town Centre Use (as defined by the National Planning Policy Framework (NPPF)) and was not located within a town centre location.
- The provision of two new houses in open countryside was in direct conflict with the housing supply policies of the Development Plan.

However, areas of potential harm had been weighed against the benefits that the development would bring to the public, i.e. benefits to the rural economy and securing local employment, and therefore conditional permission was, on balance, recommended.

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Debra Inston (Principal Conservation and Design Officer) explained that there were a number of points to consider from the conservation viewpoint. An independent assessment (undertaken by Knight Frank) had identified a conservation deficit in the region of £4.1m and it was therefore considered that the application could only proceed and the deficit only be met as an 'enabling development' scheme. Enabling development was development that secured the future of a significant place (defined by Historic England as any part of the heritage environment that had heritage value, including statutory listed historic buildings). As already explained, the proposal was contrary to established planning policy, but this was occasionally permitted when the public benefit of the development was demonstrated to outweigh areas of harm.

Debra Inston went on to advise that the works proposed in the application were considered to be the minimum necessary in order to bridge the conservation deficit. The protection, restoration and preservation of The Grotto for future generations to enjoy was of considerable public benefit. She felt that the benefits outweighed the dis-benefits of the enabling development.

The benefits of the restoration would be secured by completing the Section 106 Legal Agreement. A key aspect of the Agreement would be to ensure that commercial elements of the development (the 'enabling development') did not proceed without the heritage aspects of the works being undertaken first. In line with this, the update report detailed a phased development. This phasing would ensure that the repair/restoration works remained a step ahead of the enabling development works. It would also ensure that the works to The Grotto were completed well in advance of the completion of the enabling development. Turning to Phase 1 as an example, it was recommended 'Not to commence development in respect of Enabling Development Phase 1 unless and until Phase 1 Repairs/Restoration works had been completed to the written satisfaction of the Council'.

This was the recommendation for each phase and would be incorporated into the Section 106 Legal Agreement.

A requirement would also be placed upon the future owner of The Grotto to agree in writing with the Council the terms of a Management Plan. The purpose of such an obligation would be to secure the long term maintenance of the building and surrounding landscape that formed the subject matter of the enabling development to which the planning agreement would relate.

Cheryl Willett added that Knight Frank considered a hotel as the most preferable use of The Grotto and a strong business model had been proposed.

The site sat within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and was adjacent to the Chilterns AONB. The impact on the landscape had therefore been assessed and landscaping requirements were a condition of approval to lessen the level of harm on the AONB. In addition, a clause within the S106 Legal Agreement would be to retain areas of vegetation in perpetuity.

Cheryl Willett also made the point that the previously approved, now expired scheme, for residential use of The Grotto would have created a similar visual impact. While this proposal would impact on the AONB, she reiterated that the works proposed were considered to be the minimum necessary in order to bridge the conservation deficit. On balance, officers considered the scheme as acceptable for the AONB.

In terms of access to the site, Cheryl Willett drew attention to the plan contained within the update report which showed a proposed revised access to The Grotto in order to improve visibility.

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In summary, Cheryl Willett repeated that there were balanced matters for Members to consider. The officer recommendation was for approval subject to conditions and the completion of the Section 106 Legal Agreement. If the Legal Agreement was not completed within the specified timeframe then planning permission would be refused. The proposal was felt to be the most viable use to secure the future of the building whilst also minimising harm from the enabling development. Officers had worked closely with consultants and the applicant on bringing the application to this conclusion. This was considered to be a unique case and therefore approval would not set a precedent.

In accordance with the Council's Constitution, Mr Geoff Couchman, Parish Council representative, and Mr Harry Harris, Mr Paul Forster, Ms Helen Selwyn and Mr Philip Oag, applicant/agent, addressed the Committee on this application.

Parish Council Representation

Mr Couchman in addressing the Committee raised the following points:

- Basildon Parish Council was supportive of the application and the enabling procedures outlined in the report.
- It was pleasing to see the progress that had been made with developing this application and the extensive amount of work undertaken on the application was commended.
- The building was gradually deteriorating and there was a concern that it could become unsightly.
- The Parish Council requested that, should permission be granted, any lighting installed should not be obtrusive to residents. 'Dark night skies' needed to be retained.

Applicant/Agent Representation

Mr Harris in addressing the Committee raised the following points:

- SUSD Goring Ltd was a specialist design company. They understood the market and had sympathetically restored other listed buildings. They also had recent experience of designing London hotels.
- The mass proposed for the development was similar to the previously approved residential scheme that had already been referred to and it was felt that this proposal was of a higher architectural quality. It was considered unlikely that The Grotto would be used again as a single house.
- The design changes requested by Historic England had been adhered to and the proposed scale had been reduced as a result. West Berkshire Council was supportive of these changes.
- The ultimate aim was to provide a publically accessible building, with facilities open to the general public.
- The development would create jobs, both in the construction phase and after as 183 jobs were anticipated once the hotel was in operation.
- The proposal for the 6 detached lodge units and the 2 x 4 bedroom family homes formed part of the enabling development. As already described by officers, the works proposed in the application were considered to be the minimum necessary in order to bridge the conservation deficit.

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- They had worked in collaboration with the Council's Planners in order to secure the best future for the asset. This included negotiation of the Heads of Terms for the Section 106 Legal Agreement. Mr Harris gave thanks to officers for their participation.
- The Planning Officer had, on balance, recommended approval.

Questions from Members

In response to questions from Councillor Alan Law, Mr Harris advised that to date there was no buyer for the property and this was a speculative proposal. However, he gave an example of a similar development where SUSD had formed its own management company to run the property. He also clarified that the enabling development would still be necessary with a buyer in place due to the very high costs involved for the development.

Mr Harris then gave further detail on public accessibility. The bar and restaurant would be publically accessible, it was the hope that The Grotto would be sustained by both local residents and visitors. In terms of the spa, it was envisaged that this would operate on a membership arrangement.

Councillor Pamela Bale queried if there would be the facility for boats to moor along the river in order to access The Grotto. Mr Harris explained that while this had not been considered in any detail, it was hoped that this would be possible. There were currently mooring rights for three boats.

Councillor Graham Bridgman made reference to the plan in the update report and to paragraph 18.4 of the main report, and queried the anticipated change in vehicle movements when comparing this proposed use with when The Grotto had been used as office accommodation. Mr Harris gave the view that this would not be materially different. He acknowledged that there would be increased intensification of traffic at peak times but did not feel this would make a significant difference.

Councillor Bridgman followed this by referring to the concerns raised by neighbours in relation to the proposal to adjust the access into the site from the main road by approximately 50 metres. Paragraph 18.7 of the report described the outcome of a speed survey which made it possible to reduce the visibility requirement. The proposed adjustment of the access would enable visibility in the eastbound direction of 178.8 metres (an increase from the current 122 metres), but the westbound visibility would remain at 215 metres. He asked the applicant/agent to provide their view in response to the concerns of neighbours and whether it was considered necessary to move the access. In response, Mr Forster explained that the 215 metres was the minimum visibility requirement (westbound). The movement of the access was designed to enhance safety and was in response to a requirement from West Berkshire Council to make safety improvements.

Councillor Sheila Ellison queried what would be done to help mitigate concerns in relation to increased noise. Mr Harris described the importance of ensuring that the hotel guests were not disturbed at night and therefore noise levels would be managed. There was the potential for holding louder events, but licensing hours would be adhered to.

Ward Member Representation

Councillor Law addressed the Committee as Ward Member and raised the following points:

- He commended officers for their work on this planning application over a long period of time (approximately two years) and for the very comprehensive report.

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- The Grotto had become an unattractive building over time. The view of local residents was that the building needed major restoration/refurbishment or be demolished. It was however a very historic and significant building. A number of residents had made use of The Grotto in the past for special events.
- This was a very sensitive site in the AONB and by the River Thames. It therefore needed careful consideration.
- While he was unfamiliar with enabling developments, he noted the detailed work of officers and consultants who felt that this qualified as an enabling development. He accepted their viewpoint.
- Councillor Law questioned the absence of a viability appraisal being provided with the application and no detailed discussion on this point.
- On balance, he was supportive of the application, but he had reservations as this was a speculative proposal (as advised by the applicant) and there was therefore no guaranteed end result with no owner in place. The resultant concern was that the dwellings, which he considered to be relatively distant from The Grotto, could be built without achieving the restoration of the historic site. A new development in the countryside would normally be a point of concern.
- He was not opposed to the proposal for a hotel other than a preference for a smaller scale.
- Councillor Law highlighted the importance of agreeing the Section 106 Legal Agreement and the Heads of Terms.
- Aspects in relation to lighting and noise concerns needed to be covered in the debate. He felt that stronger conditions were required on those points.

Member questions to Officers

Councillor Quentin Webb referred to the phasing process and queried who would have the responsibility to ensure that repairs/restoration works had been completed satisfactorily. Debra Inston explained that this would fall to herself and/or a colleague and would involve a site visit. A named individual had not been specified. Sharon Armour (Solicitor) suggested that the Head of Development and Planning be named for this purpose. A requirement could be placed on the developer to notify the Council once works had been completed and no further works carried out until the works had been inspected and signed off as satisfactory.

Councillor Law added his understanding that each phase would require a formal sign off. Councillor Emma Webster commented that a similar process was undertaken for the restoration of Shaw House and therefore a precedent had been set for the process.

Councillor Bridgman explained that he had discussed the precise wording of the phasing schedule with the Legal Officer. He had suggested that this wording (once fully agreed) be included in the Section 106 Legal Agreement to ensure this was water tight. Councillor Bridgman sought confirmation that each phase would need to be completed before proceeding to the next phase. Cheryl Willett confirmed this would be the case.

Councillor Bridgman then referred back to the concerns raised by neighbours in relation to the proposed new access point. Gareth Dowding (Senior Engineer) explained that there would be an intensification at the access arising from the new dwellings and increased traffic movements from staff and visitors to The Grotto. This would include weekends and differing shift patterns of staff. He therefore considered it entirely appropriate to adjust the access point to achieve improved visibility. Councillor Law

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added his view that the use of the access would be enhanced in comparison to when the building was used as an office.

Councillor Alan Macro noted that the proposed development included the 1,440sqm refurbishment and restoration of the existed listed building and a 1,400sqm extension to the west of the existing building, close to doubling the footprint. Reference was also made in the report to lost wings and he queried whether the proposed extension was new build or whether it served to replace some/all of the lost wings of the building. Cheryl Willett confirmed that the 1400sqm extension was the coach house extension.

Councillor Richard Crumly noted from the site history that an application for listed building consent was pending consideration. He queried if this would be granted automatically, should this application be approved, or could listed building consent potentially be refused. Debra Inston explained that the impact on the listed building had been assessed and the works proposed were felt to be acceptable. She felt therefore that the listed building consent could be granted, subject to the provision of an up to date works schedule and subject to the approval of this application, relatively quickly. The works schedule would feed into the Section 106 Legal Agreement.

Councillor Bridgman felt that the repairs and restoration works proposed would adhere to the listed building requirements.

Councillor Pamela Bale queried what would happen in the event that the developer ceased works at a certain point, i.e. post phase two. Debra Inston explained that the substantial repair works would be undertaken at phase one. This phase would ensure the building was structurally sound and waterproof. The works would become more cosmetic after this stage.

Debate

Councillor Webster commented that she was excited by this proposal to bring the building back to its former glory. It would be of benefit to West Berkshire and would give visitors the opportunity to see inside the building. She understood there was a degree of nervousness for the reasons already described, but the requirements for enabling developments were very tightly managed and helped to alleviate concerns. Councillor Webster had read through the detailed report and supporting documentation, and felt the building would be lovingly restored.

Councillor Webster also commended the Parish Council for their support for the proposals and for the detailed work they had put into the process.

Councillor Crumly was reassured by the schedule of works and was pleased that the building would be restored. He too understood the concerns that had been raised, but was reassured at the efforts made by officers to mitigate these. He proposed approval of the Officer recommendation to grant conditional planning permission, subject to the agreement of the Section 106 Legal Agreement. This was seconded by Councillor Law.

Councillor Bridgman added his thanks to Officers for all their work on this application. He endorsed the view that the Section 106 Legal Agreement needed to include the requirement to complete works in a phased manner.

Councillor Law, in seconding the report, requested that Condition 28 (no amplified music) be tightened to ensure that amplified music be stopped at 11.00pm. This would be in line with paragraph 20.4 of the report. Councillor Bridgman felt that this was a consideration for the premises licence and was therefore a licensing function. Sharon Armour clarified that such points were often also covered by planning, but could be an issue if there were conflicting views between the two functions. She felt that the condition could be amended

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if there was a planning reason to do so. Councillor Webster felt that exemptions would be needed, i.e. on New Year's Eve.

Councillor Crumly, as proposer, accepted the inclusion of the 11.00pm limit in the amplified music condition.

RESOLVED that the Head of Development and Planning be authorised to grant planning permission subject to the following conditions, and the completion of a Section 106 Legal Agreement within three months of the date of this permission (or a longer period of time agreed by the Head of Development and Planning in consultation with the Chairman/Vice Chairman of the Eastern Area Planning Committee and Ward Member).

Or, if the Section 106 Legal Agreement is not completed within the above timeframe, to delegate to the Head of Development and Planning to refuse planning permission for failure to secure the Heads of Terms detailed in Sections 24 and 25.2 of the report (shown below).

Councillor Graham Pask took the opportunity, post the resolution, to add his thanks to officers for all their work. He also extended thanks to the applicant/agent for their efforts on this complicated application.

Conditions

1. Time limit

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. Plans approved

The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

- (i) 1503_3100 (location plan) and 1503_3222 (Spa elevations and sections) received on 1/01/2017;
- (ii) 1503_3228 and 3219 (boathouse elevations and floor plans) received on 02/02/2017;
- (iii) 1503_3105 P2 (site plan proposed), 1503_3210 P1 (hotel spa and lodges lower ground floor plan), 1503_3211 P1 (hotel spa and lodges ground floor plan), 1503_3213 P1 (hotel spa and lodges first floor plan), 1503_3214 P1 (hotel spa and lodges roof plan), 1503_3215 P1 (houses lower ground floor plan), 1503_3216 P1 (houses ground floor plan), 1503_3217 P1 (houses first floor plan), 1503_3217 P1 (houses roof plan), 1503_3220 P1 (hotel and spa north and south elevations), 1503_3221 P1 (hotel and spa east and west elevations), 1503_3224 P1 (lodges north and south elevations), 1503_3230 P1 (hotel sections AA & BB), and 1503_3231 P1 (hotel sections CC) received 21/11/18;
- (iv) 1503_3227 P2 (houses typical elevations) received 07/01/19.

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

3 Hotel and lodges C1 use

The Grotto building with extensions and the lodges hereby permitted shall be used solely as a hotel use and for no other purpose including any other purpose in Class C1 of the Schedule of the Town and Country Planning

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(Use Classes) Order 1987 (as amended) (or an order revoking and re-enacting that Order, with or without modification).

Reason: Any other use may not be acceptable on the site, given the particular case made for the hotel development on this site, and the sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, ADPP5, CS10, CS11, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

4 **Hotel number of bedrooms restricted to 53**

The number of bedrooms within the hotel shall be limited to 53, unless permission has been granted on an application made for that purpose.

Reason: Given the particular case made for a boutique hotel, highway and parking impacts, and the character of the area and the Areas of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, ADPP5, CS10, CS11, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006 - 2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

5 **Materials (houses)**

No development of the residential dwellings shall take place until a schedule of the materials to be used in the construction of the external surfaces of the two dwellings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

6 **Materials (hotel, extension, lodges, coach house extension, spa, boathouse)**

No development of the conversion of the hotel, extensions (including coach house extension), spa, lodges and boathouse shall take place until a schedule of the materials to be used in the construction of the external surfaces of the two dwellings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters

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which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

7 **Lighting scheme**

No development (of either the residential dwellings or the works to the Grotto) shall take place until details of the external lighting to be used across the site (for the residential dwellings, in the car parking areas, to the Grotto building, to the extensions, to the lodges, to the spa, to the tennis courts, to the boathouse, and within the grounds hereby permitted) have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings, including the residential dwellings hereby permitted are occupied, or 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. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development and to protect the character of the area, and in consideration of the ecological value of the site. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8 **Ground levels**

No development shall take place until details of the finished floor and ground levels of the dwellings, coach house extension, spa, lodges and car parking areas hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure the ground levels are appropriate on site, taking into account the site's sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

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9 **Boundary treatment**

Should any new or replacement fencing or other means of enclosure be proposed no development shall commence on site until details of all fencing and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include a schedule of materials and drawings demonstrating the layout of the means of enclosure. Thereafter, and where appropriate, the hotel and dwellings shall not be first brought into use until the fencing and other means of enclosure have been erected in accordance with the approved details.

Reason: Fencing can have a significant impact upon the rural and historic character of the site and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18, and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

10 **Landscaping scheme**

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

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping, to aid in softening the impact of development in this sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

11 **Landscape management scheme**

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 10 years has been submitted to and approved in writing by the

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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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

12 Tree protection scheme

No development or other operations (including site clearance and any other preparatory works) shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, to be in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

13 Tree protection – construction precautions

No development or other operations shall take place until details of the proposed access, hard surfacing, drainage, soakaways and services providing for the protection of the root zones of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

14 Arboricultural method statement

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No development, site clearance and/or other preparatory works shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

15 Arboricultural supervision

No development or other operations (including site clearance, demolition and any other preparatory works) shall take place 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. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

16 Parking/turning in accordance with plans (hotel use)

The hotel shall not be brought into use until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) at all times.

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

17 Access construction

The hotel shall not be brought into use until the proposed access onto the public highway has been constructed in accordance with the approved drawings.

Reason: In the interest of road safety. This condition is imposed in

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accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

18 **Passing places**

The hotel shall not be brought into use until the passing places proposed within the access have been constructed in accordance with the approved drawings.

Reason: In the interest of road safety, to avoid conflict between users of the hotel and facilities. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

19 **S278 highway works**

The hotel shall not be brought into use until the following highway works have been completed:

- a. Provision of new access onto the A329 as shown on drawing GA008 Rev A
- b. Closure of existing access onto the A329 with reinstatement of verge
- c. Any associated works

The works shall be completed under a section 278 Agreement of the Highways Act 1980 or other appropriate mechanism

Reason: In the interest of road safety and to achieve the necessary visibility splays for the use of the road from the A329 by hotel users. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

20 **Travel plan**

No development relating to the hotel use shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the hotel first being brought into use. It should be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS10, CS14 and CS15 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

21 **Cycle parking**

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The hotel shall not be brought into use 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 (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).

22 **Ecology – protective fencing**

No development or site works shall commence until protective fencing has been erected at the boundary of the retained habitat area. This boundary must include any root protection area as identified within the arboricultural report (ACD Arboriculture 2014 and 2014b). This must include a standoff zone of at least 5 metres for all vehicles. Constriction vehicles will make use of existing hard standing areas where possible to protect these areas from root compaction.

Reason: In response to the loss of the meadow grassland and to protect the remaining habitat areas. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

23 **Ecology – Reptile receptor sites**

No development or site works shall commence until the reptile receptor sites identified in Appendices L and N of the PV Ecology Phase II Bat and Reptile Report have been put in place and surrounded by suitable reptile fencing.

Reason: In response to the loss of the meadow grassland and to protect the remaining habitat areas. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

24 **Habitat Enhancement and Management Plan**

No development or site works shall commence until a Habitat Enhancement and Management Plan (HEMP) has been submitted to and approved in writing by the Local Planning Authority. This should detail the planting, enhancement and long-term management of the site that will mitigate for the loss of any habitats with existing value to wildlife.

Reason: To protect and enhance biodiversity features on site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

25 **SuDS**

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The development hereby permitted shall not be brought into use and no dwelling hereby permitted shall be occupied until the sustainable drainage measures identified in the Flood Risk Assessment by Glanville have been provided in accordance with the approved details. 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design – Part 4 Sustainable Design Techniques (June 2006).

26 Works adjacent to river

No development shall commence on the boathouse until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas within 10 metres of the top of the river bank has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape management plan shall be implemented in full in conjunction with the construction of the boathouse element only.

The scheme shall include the following elements:

- clear identification of the areas of river bank that are to be returned to a natural state and/or enhanced. This should include a clear statement and drawings relating to the length of river bank to be enhanced for biodiversity;
- The naturalised banks should include a thick margin of natural vegetation left to develop rather than be mown as a formal landscaped edge;
- The banks should slope down gently to the waters edge and be planted with suitable wetland species;
- The existing mooring platforms downstream of the proposed boathouse and its associated moorings (should they still be in place) shall be removed within three months of the first use of the boathouse.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

27 Boathouse voids

No development shall commence on the boathouse until drawings illustrating the insertion of voids within the walls of the boat house have been submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To allow the free flow of water through the building during a flood. This condition is imposed in accordance with the National Planning Policy

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Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

28 **No amplified music**

No amplified or other music shall be played from the external area surrounding the hotel, unless permission has been granted in writing by the Local Planning Authority in respect of a planning application. Where such permission is granted no amplified or other music shall be played any later than 11.00pm.

Reason: To safeguard the amenities of surrounding occupiers, and in respect of the existing tranquillity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

29 **PD rights for houses**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out on the two dwellings hereby approved, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: The two dwellings have been approved under exceptional circumstances, and further development should be considered in full by the Local Planning Authority, given the dwellings' location within the North Wessex Downs Area of Outstanding Natural Beauty, adjacent to the Chilterns Area of Outstanding Natural Beauty, and within the setting of a Grade II listed building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP4, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

30 **Unexpected contamination**

Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority (LPA) immediately. Any subsequent investigation/remedial/protective works deemed necessary by the LPA shall be carried out to agreed timescales and approved by the LPA in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development.

Reason: In order to protect the amenities of proposed occupants and users of the application site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the

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West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

31 **Protection from external noise**

No development on the two residential dwellings shall commence until details of a scheme of works, for protecting the occupiers of the development from externally generated noise, shall be submitted to and approved in writing by the Local Planning Authority. All works forming part of the scheme shall be completed before the dwellings are first brought into use.

Reason: In order to protect the amenities of proposed residents of the Dwellings. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006- 2026) and Policy OVS6 of the West Berkshire District Local Plan 1991- 2006 (Saved Policies 2007).

32 **Design criteria for noise from new plant**

Noise resulting from the use of new plant such as mechanical ventilation units, extract systems, air source heat pumps, air conditioning units etc shall meet the design criteria detailed in paragraph 7.6 of the Noise Impact Assessment by Ian Sharland, ref M3796, dated 12 January 2017.

Reason: In the interests of the amenity of neighbouring residents (including those of the two new dwellings). This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan 1991- 2006 (Saved Policies 2007).

33 **Archaeology**

No site works or development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

34 **Hours of construction**

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core

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Strategy (2006-2026).

35 **Hours of deliveries**

No deliveries shall be taken at the site outside the following hours:

7:30am to 6:00pm Mondays to Fridays;
8:30 am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

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

36 **Construction Management Plan**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. 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) Wheel washing facilities;
- (e) Measures to control the emission of dust and dirt during construction;
- (f) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

Reason: To safeguard the amenity of adjoining land uses and occupiers, in the interests of highway safety, and to ensure construction related features do not have adverse impact on the grounds of the listed building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

37 **Water Supply**

No development shall commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS5 of the West Berkshire Core Strategy (2006-2026).

INFORMATIVES

1 Proactive actions of the LPA

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

- a) Provided the applicant with a case officer as a single point of contact.
- b) Engaged with specialist advisors to assess the enabling development case and the impact on the Areas of Outstanding Natural Beauty.
- c) Negotiated amended plans to limit the harm to the setting of the listed building and AONBs.

2 Tie to LBC

The planning permission will need to be undertaken in conjunction with a Listed Building Consent, which is yet to be determined.

3 EA Water resources

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the National Customer Contact Centre on 0870 8500 250 for further details.

4 EA permit

The developer shall ensure the correct permits are obtained from the Environment Agency in relation to the boathouse, inlet and any other works to the riverside.

5 Thames Water

Surface Water Drainage - With regard to surface water drainage 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. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

6 Thames Water

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Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

7 Thames Water

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

8 Thames Water

Any property involving a swimming pool with a volume exceeding 10 cubic metres of water will need metering. The Applicant should contact Thames water on 0800 316 9800.

9 Construction/demolition

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 the Environmental Health and Licensing Manager.

25.2 REFUSAL REASONS

The application fails to provide a Section 106 Planning Obligation to deliver the necessary phasing of works to secure the future of the listed building in relation to the enabling development elements, and for mitigation measures, including:

- (a) Phasing of the repair of The Grotto house and construction and occupation of the enabling development elements, together with timings, without which the proposal would be contrary to the NPPF and Historic England's guidance on 'Enabling Development and the Conservation of Significant Places';
- (b) Management Plan to secure the long term maintenance of the Grotto and surrounding landscape, without which the proposal would be contrary to the NPPF and Historic England's guidance on 'Enabling Development and the Conservation of Significant Places'.
- (c) Employment Skills Plan to identify and promote employment opportunities generated by the development, without which the proposal would be contrary to the NPPF, and Policies CS9 and CS10 of the West Berkshire Core Strategy (2006-2026).
- (d) Landscape retention and management strategy, without which the proposal would be contrary to the NPPF, and Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

48. Appeal Decisions relating to Eastern Area Planning

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

49. Site Visits

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A date of 30 January 2019 was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 6 February 2019.

(The meeting commenced at 6.30pm and closed at 7.50pm)

CHAIRMAN

Date of Signature