

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 25 NOVEMBER 2020

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

Also Present: Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer), Kim Maher (Solicitor) and Simon Till (Senior Planning Officer)

PART I

37. Minutes

The Minutes of the meetings held on 4 and 11 November 2020 were delayed due to technical issues and will be presented at the next meeting of the Western Area Planning Committee.

38. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Carolyne Culver, Hilary Cole, Tony Vickers and Howard Woollaston declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Hilary Cole, declared an interest in Agenda Item 4(2), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillors Dennis Benneyworth, and Hilary Cole declared an interest in Agenda Item 4(3), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

39. Schedule of Planning Applications

(1) Application No. and Parish: 20/00604/FULEXT, Coley Farm, Stoney Lane, Ashmore Green, Cold Ash

(Councillor Phil Barnett also declared that he was a member of Newbury Town Council's Planning and Highways Committee but reported that, as his interest was a 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 Hilary Cole declared a personal interest in Agenda Item 4(1), as she was Ward Member for Chieveley and Cold Ash, however she was not a Member of Cold Ash Parish Council. As her interests were personal and not prejudicial, or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

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(Councillor Tony Vickers declared a personal interest in Agenda Item 4(1) that he had commented on this site as a member of West Berkshire Spokes. As his interests were personal and not prejudicial, or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carolyne Culver, Tony Vickers and Howard Woollaston declared that they had been lobbied Agenda Item 4(1).)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/00604/FULEXT in respect of Coley Farm, Stoney Lane, Ashmore Green. The applicant sought permission for the erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure.
2. Mr Simon Till, Principal Planning Officer, introduced the report to Members, which took account of all relevant policy considerations and other material planning considerations. In conclusion, the report detailed that the proposal was acceptable in planning terms, provided that a Section 106 Agreement could be completed by the required date. Officers recommended to approve the application subject to the conditions outlined in the report and update sheet.
3. The Chairman asked Mr Paul Goddard, Team Leader - Highways Development Control, if he had any observations relating to the application. Mr Goddard confirmed that this was an allocated site with outline consent, and that traffic matters had been considered as part of the previous application. He noted that a secondary access to the north of the site had been deleted. He confirmed that off-site highway works would still be provided, including the widening of Stoney Lane, extension of the 30 mph speed limit, and provision of a footway to the south of the site. He explained that members were being asked to consider layout and that Highway Officers were happy with all aspects of the layout, car parking, cycle storage and electric vehicle charging points.

Removal of Speaking Rights

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had been replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
5. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
6. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Bernard Clark, Cold Ash Parish Council, Mr Keith Benjamin, Ms Fiona Benjamin, Mr Anthony Berkeley, Ms Wendy Berkeley, Ms Jo Grew, Mr Laurence Grew, Mr Martin Hayward, Ms Debbie Hayward, Ms Val Korolev, Ms Veronika Korolev, Mr George Price, Ms Nicola Snelling, Ms Stephanie Snelling, Mr Jon Thompson, Mr Peter Wilmot, Ms Sarah Wilmot, Davis Wormald, Clare Wormald (joint submission), Ms Stephanie Bennett, Ms Nicola Silcock, Mr Alex Whitson and Ms Sally Whitson, objectors and Ms Kerry

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Pfleger, agent. Those able to attend the remote meeting were Mr Clark, Mr Benjamin, Mr Berkeley, and Ms Pfleger.

7. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5736&Ver=4>

Parish Council's Representation

8. The Clerk read out the representation. Mr Clark was invited to join the meeting and Members questioned the attendee as follows:
9. Councillor Tony Vickers noted that the previous application had shown a different route for pedestrians out of the site. He asked if route were reinstated, whether this would make the estate more accessible for pedestrians and cyclists.
10. Mr Clark suggested that this would make a small difference. He noted that residents going to the shops or bus stop would have to climb the hill before coming back down. The alternative route would be less up and down, but it was still a fair distance.
11. Councillor Vickers asked if the development were to go ahead, whether the Parish Council would like the route to be provided.
12. Mr Clark indicated that it would improve this flawed development.

Objectors' Representation

13. The Clerk read out the representation. Planning officers had summarised the multiple submissions, which was published as part of the Update Report, as follows:

The site is awkwardly placed between congested roads in the Thatcham and Newbury directions and the single track "quiet" lane to the north. There are significant gradients both within the site, this not apparent from the developer's submission. We also know from our own measurements that many of the developer's distances are underestimates. It will therefore be hard work to travel on foot or bicycle to and from local facilities. Car use will be the norm thereby adding to the local congestion.

The lane is used a great deal by walkers, cyclists and horse riders as a quiet route. This use will be disrupted, if not wiped out, by the urbanisation and increased traffic both during and after construction.

The gradient and impermeable clay of the site makes flooding of the vulnerable Manor Park area below it a real possibility. Unproven flood alleviation measures are in the proposal but who will maintain them? Similar provisions in Manor Park have never been maintained and are now choked with vegetation. The average rainfall in the area has increased sharply since 2017. 857.9mm of rain fell in Thatcham in the last 12 months vs 151.89mm in the same period in 2016/17.

The removal of about 180m of established hedge will destroy wildlife habitat and contribute to the urbanisation that this proposal presents. Queries are raised over what environmental studies have taken place, the site is used by wildlife creatures.

The development looks like a "city block" transported to the edge of Newbury and it even includes some 3-storey buildings that are completely out of character with the area.

The developer is being allowed to count the existing public open space as part of the development thus letting them off such provision inside the site. We object to the lack of consultation on this issue. As locals, we know that the existing public open space is extremely wet for much of the year which will make it unpleasant to use.

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The increased pressure on local services, in particular schools and GPs has not been considered in the proposal and thus the impact on existing residents. Utilities have come under increasing pressure since 2017 and more home-working will intensify this pressure.

WBC has declared a climate emergency, yet there is nothing sustainable in this proposal other than a marginal improvement in insulation above the minimum requirement of the Building Regulations. It is not even “low carbon ready”, for example by using underfloor heating compatible with heat pumps. The design of the proposal scheme is 10 years out of date.

There is widespread alarm amongst existing residents concerning how they will be affected, the outline application received a petition of over 500 names. The development will turn Waller Drive into a “rat run”.

There are a number of empty buildings in Newbury and other brown field sites which can be used.

The site is valued recreational land for local residents. The proposal scheme will irreparably damage the character of the area. Green space should be protected.

14. Mr Benjamin and Mr Berkeley joined the meeting.
15. Councillor Vickers asked whether the objectors’ children would make use of the proposed playground next to the development.
16. Mr Benjamin agreed that if he had children of that age, they would probably use it. However, he noted that the field was wet and muddy for much of the year, and the proposed playground would not make up for the rest of the development.
17. Councillor Phil Barnett noted that the submission mentioned “rat-running” down Waller Drive and suggested that this was used to avoid traffic calming on Turnpike Road. He asked: whether the objectors were concerned about traffic volume or speed; if they would consider a 20 mph speed limit to be appropriate; and if they considered there was a need for further traffic calming. He also noted objectors’ concerns about water generated from the site and asked if the lower parts of Fleetwood Drive and Waller Drive had previously flooded.
18. Mr Benjamin confirmed that flooding had extended as far as Turnpike Road, affecting several properties in a low dip. He suggested that Manor Park and the streets below it would be affected if the flood alleviation was not right.
19. Mr Berkeley added that there had been flooding on Waller Drive within the last few weeks and suggested that the volume of water coming down the hill needed to be addressed, but that more hardstanding would only exacerbate the problem.
20. Mr Berkeley noted that Stoney Lane was a single track road for much of its length and suggested that the submitted plans did not accurately reflect the road width. He also noted that the aerial photograph showed portions of private properties being included within the road width. He suggested that the volume of traffic generated by the development could not be sustained by the roads, and highlighted numerous recent incidents with large lorries. He suggested that adding more traffic would only exacerbate these issues.
21. Councillor Adrian Abbs asked for examples of inaccuracies in distances and measurements submitted in the application. Mr Benjamin confirmed that from his measurements, it was not unusual to find inaccuracies of 10 per cent, which were all in the developer’s favour. Mr Berkeley referred to objections to the original application where the inaccuracies had been discussed in detail.

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22. Councillor Dennis Benneyworth asked the objectors to expand on their concerns about unproven flood alleviation measures. Mr Benjamin stated that he was not a flood engineer, but suggested that Sustainable Drainage Systems (SuDS) was a new area that had come to the fore since Thatcham was flooded 10 years ago. From what he had read on the subject, it was effectively “sticking a finger in the air” in terms of how well it would work in practice.
23. Councillor Carlyne Culver asked if hedgerows had been removed along the southern boundary of the site. Mr Benjamin was not aware of this. Mr Berkeley indicated that there had been some localised damage when a mobile phone mast was removed.

Agent’s Representation

24. The Clerk read out the representation. Ms Pflieger joined the meeting and Members questioned the attendee as follows:
25. Councillor Vickers noted that the application talked about a “higher quality development”, but he considered the current application to be worse than the former, in terms of pedestrian and cycle access. He asked if the previously proposed path across the open space could be reinstated, since this would reduce the climb by five metres. Ms Pflieger indicated that a path would be provided along Stoney Lane and through the existing public open space. She asked Councillor Vickers to provide further details about the path.
26. Councillor Vickers explained that the proposal required people to climb a 1:12 gradient, which was in excess of the recommendation in the Manual for Streets (MfS). He suggested that a path half-way up the southern boundary would reduce the climb. He noted that the current application only showed the path going to The Leap, and asked if it could serve the wider development as per the previous application. Ms Pflieger explained that this was something she would need to discuss with the applicant. She reiterated that there would be access via the path on Stoney Lane, and access onto the public open space from the development.
27. Councillor Culver asked about long-term maintenance of the attenuation pond. Ms Pflieger indicated that maintenance would be discussed with the council. She stated that it would either be adopted by the council or maintained by a private management company.
28. Councillor Abbs asked for more detail about the statement that indicated a reserve matters application had been prepared, which could be submitted if necessary. Ms Pflieger confirmed that the reserve matters application had been prepared, but suggested that the current application was a higher quality development, which was why the applicant had submitted a new full application. She noted that details of access and layout had been approved as part of the outline consent, but the new proposal had a better layout with improved levels, fewer retaining structures, single site access, improved drainage, and improved affordable housing provision, which was why a full application had been submitted. If this was refused then the reserve matters application would be submitted before the outline consent expired.
29. Councillor Abbs asked for confirmation that the developer would meet the minimum space standard. Ms Pflieger confirmed that the Affordable Housing Officer had agreed that the national and local minimum space standards would be achieved and bettered in the case of the four-bedroom properties. She confirmed that these were not currently requirements, but were encouraged.
30. Councillor Benneyworth asked about the proposed reduction in emissions quoted in the Energy Statement. Ms Pflieger confirmed that there was a commitment to deliver

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a 10 per cent reduction over that required by building regulations. This was not proposed as a condition, but indicated that members could ask for such a condition.

31. Councillor Barnett noted that the majority of the affordable housing was to the east of the development which meant that access involved a significant rise in level, which would be a struggle for parents with young children and those without access to a vehicle. He asked if the affordable housing could be repositioned within the site. Ms Pflieger explained that as a result of discussions with the Affordable Housing Officer and the Planning Officer, the affordable housing had been 'pepper potted' around the site to a greater extent than the previous application. She stressed that a lot of consideration had been given to its location and the developer would be criticised if it was concentrated in one area.
32. Ms Pflieger indicated that she had been in touch with the applicant during the meeting and confirmed that they would be happy to provide the footpath sought by Councillor Vickers, which could be incorporated into the S106 Agreement.
33. Councillor Benneyworth sought assurances that the applicant would not seek to reduce the number of affordable homes at a later date if a viability study highlighted issues. Ms Pflieger confirmed such a reduction had not been discussed, and that the applicant was keen to implement the development as proposed, as far as she was aware, and if consented the applicant would not come back for revision.

Ward Member Representation

34. In addressing the Committee as Ward Member for Clay Hill, Councillor Jeff Beck made the following points:
 - Outline planning permission had already been granted, so houses would be built on the site at some point.
 - Plots 47, 48 and 50 were in close proximity to existing houses in Wansey Gardens and Laud Close, with distances of 17.5, 15.5 and 17.4 metres respectively, which were below the council's minimum standard of 21 metres and so the exact placement of these houses should be reviewed.
 - Section 6.40 of the report referred to a 'convent', while the heads of terms of the S106 Agreement refers to a 'covent', these should both refer to a 'covenant'.
 - Section 6.44 referred to the retention of two Tree Preservation Order or TPO'd trees, but ignored a previous reference under 6.12 which referred to two TPO'd trees and non-TPO'd trees to be retained.
 - Under 'consultation', Spokes had raised the issue of the developer potentially enabling a strip of land, two metres wide, south of the attenuation pond to be set aside from plots 48 – 51 to the corner adjacent to the boundary of the site. This would allow for a possible future link to Fleetwood Close, which he strongly supported.
 - Condition 7 stated that the Travel Plan should be annually reviewed and this should have also included an end date.
 - Condition 11 stated that the gradient of private drives should not exceed 1:8, unless buildings were likely to be occupied by the mobility impaired in which case the maximum gradient should be 1:12. How would the council know which units are likely to be occupied by the mobility impaired? He suggested all maximum gradients should be 1:8.
 - Condition 18 refers to the foul water pumping station, however it did not specify who would be responsible for operating it.

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- Condition 31 'Landscape and Ecological Management' referred to provision of details of the organisation responsible for the implementation of the plan. He strongly recommended that West Berkshire Council should do this, funded by a lump-sum payment from the developer.
- The Energy Statement referred to a 10 per cent improvement in emissions relative to Building Regulations, he felt that a condition should be used to secure this.

Member's Questions to the Ward Member

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

Ward Member Representation

36. In addressing the Committee as Ward Member for Chieveley and Cold Ash, Councillor Hilary Cole made the following points:

- Although the site was within Cold Ash Parish, the developable area was within the Clay Hill ward.
- The site was identified in the Housing Site Allocation Development Plan Document (HSADPD), which was adopted in 2017, as suitable for 75 dwellings for which there was extant permission, and a reserved matters application had been prepared.
- The current application was for a variation to the extant permission, and was a much better scheme that took account of comments by residents, parish and town councils, members and officers. These related to drainage, addressing level constraints, public open space, visibility splays, and 'pepper potting' of affordable homes throughout the site.
- Although Cold Ash Parish Council's representation referred to West Berkshire Council's climate emergency declaration and Environment Strategy, these did not trump current planning policies.
- The application had to be determined in accordance with policies in the current Local Plan. While commitments to climate change and the environment were taken seriously, planning policies could and should not be ignored. This would be a route to appeal, and the council would lose credibility if it were to consistently refuse applications on approved sites set out in the Local Plan.
- She expressed her support for the application.

Member's Questions to the Ward Member

37. Councillor Abbs noted that the Policy relating to minimum distance between houses was breached by the application. Councillor Hilary Cole suggested that there was sufficient mitigation as explained in the report.

38. Councillor Barnett asked if Councillor Hilary Cole considered the site to be a sustainable development. Councillor Hilary Cole confirmed that she did.

Ward Member Representation

39. In addressing the Committee as Ward Member for Chieveley and Cold Ash, Councillor Garth Simpson made the following points:

- The site was too remote from shops and facilities.
- It was stranded up the escarpment, visually prominent, and had difficult terrain, with steep gradients in many directions.
- It was set in a beautiful valley ringed by three historic copses and field patterns.
- There were technical difficulties with flooding and problems with run-off.

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- Stoney Lane was a much-liked 'quiet lane'.
- In working towards reserve matters final design, it was found the new layout was required with improved SuDS, and better treatment of gradients.
- Community Infrastructure Levy (CIL) money had been extended to May 2021 on the original outline, and the developer had gained further time to delay the build until house prices increased in a post Covid-19 world.
- It would be built to 10 year old building regulations, which were ripe for renewal in the state of climate emergency.
- Working with residents, he had debunked the transport assessment.
- An audit of distances was made using a builder's wheel. Variances were found on 21 out of 27 destinations. There were many adverse understatements, particularly since they did not take account of differences by road and footpath.
- In the north-east and east-south-east of the proposed development, which was where much of the social housing was proposed, the additional distance was between 87 and 368 metres.
- The Manual for Streets (MfS) Guidance was not met.
- It failed to comply with HSDDPD policy, which was written when the council had a five year housing supply.
- Acceptance of 75 houses was a mistake, and officers should not have accepted the upper limit as a given.
- Green space policies had been compromised and it was a joke that this was considered acceptable in the round.
- The topography of the site was steep and difficult to work.
- Extensive flood retention ponds were needed due to its location.
- The proposed layout was a labyrinth, with amazing variants in extra estate distances.
- Much had changed since the outline application. There was now an eight year land supply, the HSADPD was losing weight and a climate emergency and recovery strategy were in operation.
- He supported Cold Ash Parish Council's statement and believed that it was time for the committee to be cognisant of what they were doing, and not just sign off developments that were no longer needed.
- A central part of the council's strategy was re-evaluating policies.
- He recommended that the application be refused.

Member's Questions to the Ward Member

40. Councillor Culver asked if the application met the requirements of the Village Design Statement (VDS). She also sought his views on the attenuation ponds and their management.
41. Councillor Simpson stated that the VDS was important and should be recognised. He wanted West Berkshire Council to manage the ponds due to Climate Change risks.
42. Councillor Vickers asked for evidence that Stoney Lane was a 'quiet lane' as claimed. Councillor Simpson stated that the Planning Policy Manager had indicated this. He noted that the carriageway width was only 3.3 metres in places.
43. Councillor Vickers stated that 'quiet lanes' should have signs. Councillor Simpson had requested such signs. He highlighted problems with heavy goods vehicles causing damage. He had requested signs saying that the road was unsuitable for

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heavy goods vehicles both ends. Highways officers had agreed, but there were supply issues due to Covid-19.

44. Councillor Cant observed that his ward (Clay Hill) would be impacted by the development. He noted that there was extant outline permission, and asked if Councillor Simpson was suggesting that the committee take a position against the original consent, and what he would like to happen. Councillor Simpson indicated that he had shown the transport statement to be bad at the previous Western Area Planning meeting, but the decision was overturned by District Planning Committee. He confirmed that he regarded the development proposal as something to be stopped.
45. Councillor Cant asked if it should be stopped and let go to appeal. Councillor Simpson indicated that it was up to the Committee to decide.
46. Councillor Barnett asked if Councillor Simpson considered it a sustainable development and sought clarification about what was meant by "Greater Newbury". Councillor Simpson replied that "Greater Newbury" meant anything close to the existing settlement. On sustainability, he noted: the lack of HSA compliance; 75 homes was too many for the site; the significant walking distances to local facilities; the proposed bus frequency of only 30 minutes; the significant gradients within the site; and the fact that 2011 Census data showed commuting by car was higher in Manor Park than the rest of the parish. He suggested that the development was unsustainable and morally reprehensible, and was happy for it to go to appeal.
47. Councillor Clive Hooker asked if Councillor Simpson was a member when the HSADPD was approved, and if the vote had been unanimous.
48. Councillor Simpson could not recall.

Member Questions to Officers

49. Councillor Abbs asked if the committee was only allowed to consider appearance, landscaping and scale in this application
50. Mr Till explained that matters of access and layout were approved as part of the outline permission, but in order to address issues within the site, the applicant had elected to submit a full application under which all matters could be considered. However, he noted that the outline application would be the applicant's fall-back position.
51. Councillor Abbs wondered why it was important to have red brick on this site when nearby homes were in different materials. He also asked why the 21m distance between properties was being broken, and why three storey buildings were being considered.
52. Mr Till noted a mixture of high and low quality development and materials in the area. The officers' view was that red brick and traditional house designs were appropriate responses to the character of the surrounding area. He observed that scale, including three-storey homes, was reflected in the layout of the approved outline scheme, so there would be no difference in impact. Also, he stated that guidance on neighbouring amenity suggested that 21m separation distance should be sought, but sometimes this was not possible. He noted one instance with 15.5m between bedroom windows of existing and new properties, but stressed that in this case the officer had considered landscaping sufficient to provide screening between the two dwellings. On balance it was felt that the relationship was not sufficiently poor to merit refusal.

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53. Councillor Benneyworth asked about the unproven flood alleviation measures mentioned in the objectors' statement.
54. Mr Till explained that the drainage scheme represented best practice, with betterment over green field run-off rates. The council's drainage engineer had reviewed the scheme and concluded that the proposed works would reduce flood risk for existing residents as well as residents of the proposed site.
55. Councillor Cant noted the new emphasis on reducing emissions and recent discussions by central government about banning gas central heating for new homes in three years' time. He expressed concern that developers were rushing to beat the deadline to reduce their costs. He asked if a condition could be imposed to require the developer to meet a more sustainable construction standard. He also noted that levels of particulate emissions in Kiln Road and Shaw Road were amongst the highest in the district, but there was no reference to the impact of the development on air quality on this route, which was used by pupils to get to and from Trinity School. He asked if the impact on emissions and population health had been considered.
56. Mr Till explained that the applicant had submitted an emissions statement that demonstrated the development would achieve a 10 per cent reduction in emissions, beyond that required by current building regulations. He noted that the council did not have a formal policy on reducing emissions. Under a plan-led system, the correct procedure outlined in the National Planning Policy Framework (NPPF) was for the local plan to set out policy to bring forward measures to address such matters, which would then be implemented by officers and members, but because the applicant had made the offer, a condition requiring them to deliver the measures set out in their emissions statement would be appropriate.
57. Councillor Cant asked if this could be strengthened to acknowledge the likely changes to standards in the next few years and to require the developer to comply with all conditions that prevailed at the time of construction.
58. Mr Till suggested that government would probably achieve this through changes to building regulations. He noted that the developer would need to comply with building regulations in place at the time of construction. He advised Members to avoid seeking to impose conditions that went beyond the remit of planning.
59. Mr Goddard noted that the impact of traffic from the development on local air quality would have been considered at the outline stage. He offered to interrogate the information submitted as part of the previous application.
60. Councillor Hooker indicated he would come back to Mr Goddard later.
61. Councillor Hilary Cole asked about the status of the land. She considered it to be private land, rather than public open space or recreational land. Mr Till indicated that he did not know the ownership of the land, but as far as he was aware, it was not designated as public open space.
62. Councillor Culver queried if hedging on the southern boundary should have been removed before the development had been approved. Mr Till was not aware if hedging had been removed, but noted that landowners were allowed to remove vegetation and clear land. If this was in contravention of the Hedgerow Regulations, then it would fall outside the remit of planning.
63. Councillor Culver asked who would manage the attenuation ponds. Mr Till noted that the sustainable drainage condition required a management and maintenance plan for the lifetime of the development, to incorporate: arrangements and

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- agreements for adoption by an appropriate public body/public undertaker; and management and maintenance by a residents' management company or other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. He indicated that the condition would not be discharged unless the council knew who would be managing the measures.
64. Councillor Culver asked if the council would automatically take on management duties if a private management company was not appointed. Mr Till explained that there was an option in the condition for a statutory undertaker to assume responsibility, which could be Thames Water or another specialist organisation.
 65. Councillor Culver asked if notice should be taken of the Cold Ash Village Design Statement, which referred to the need for sympathetic infilling within the settlement boundary, and housing development in small groups. Mr Till suggested it would be inappropriate to use a design methodology for Cold Ash Village, which was remote from the site and that first and foremost, the development should be sympathetic to the surrounding area. In terms of clustering of buildings, he noted the Design Guide would not supersede the HSADPD. He advised that the previous assertion that the site was not suitable for a development of 75 homes, was contrary to the allocation in the HSADPD and council policy.
 66. Councillor Vickers noted that the council's online map showed that the public open space on which The Leap would be placed was currently owned and maintained by West Berkshire Council. He asked for assurances that the proposed pedestrian link across the site to Waller Drive could be incorporated in the S106 agreement. He stated that his vote was dependent on the path being feasible, since without it, the current proposal was inferior to the previous application in highway terms.
 67. Simon Till confirmed that the land to the south was in the council's ownership and was designated as public open space. He noted that the applicant had offered to provide the path and that if members voted to incorporate this within the S106 agreement then officers could enter into negotiations to do that. In the event that this could not be achieved, members could resolve that the application be brought back to committee for consideration again within the timescale agreed in the resolution.
 68. Councillor Vickers noted that the modelled trip rate was lower for affordable housing. He asked if the model took into account the topography of the site, since it was impossible to construct pedestrian and cycle routes that complied with the MfS's standards. Mr Goddard confirmed that Trip Rate Information Computer System (TRICS) did not take account of topography, but took account of traffic generation from sites across the UK and Ireland.
 69. Councillor Vickers asked if officers could modify the predictions to reflect real-world conditions. Mr Goddard did not consider that the gradient was so excessively steep as to have much of an impact.
 70. Councillor Vickers noted that the MfS stipulated gradients of no more than three per cent or five per cent maximum over a distance of 100 metres or less for cycle routes. He suggested that Stoney Lane did not comply with this standard. Mr Goddard noted that MfS was not prescriptive and that ideally the maximum gradient for pedestrians should be 1:20, but sometimes topography dictated a higher gradient, such as 1:12 or 8%, which was what existed generally in this location. He confirmed that Highways Officers considered gradients above 1:12 (8 per cent) to be unacceptable, and that this had been achieved for this site. Responding to

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Councillor Beck's comments on Condition 11, he proposed it be amended to be 1:12 throughout, with reference to 1:8 struck out. Mr Till agreed.

71. The Chairman asked Mr Goddard to respond to Councillor Cant's previous query about traffic and emissions. Mr Goddard confirmed that Environmental Health officers had not raised concerns about air quality at the outline stage. He noted that surveys showed 1,187 vehicle movements on Kiln Road in the morning peak. The development would add 30 vehicle movements, which equated to a very small increase of 2.5 per cent.
72. Councillor Cant asked if the level of air pollution was considered acceptable against national standards. Mr Goddard indicated that he was not qualified to make an assessment of air quality, but reiterated that it was not an issue that Environmental Health officers had addressed at the time, so he assumed there were no concerns.
73. Councillor Cant wondered if there needed to be a better indication of the impact on air quality, rather than just traffic volumes.
74. Councillor Hilary Cole stated that there were two air quality management areas in West Berkshire, one in Thatcham on the A4, and the other at the Burger King on the A339 roundabout in Greenham. She noted that air quality was monitored on an ongoing basis.
75. Councillor Barnett asked for Mr Goddard's views on the objectors' comment that residents would be able to use Waller Drive to bypass traffic calming on Turnpike Road. Also, he asked if a 20 mph speed limit had been considered for Stoney Lane to reflect the fact that more people would be walking there. Mr Goddard confirmed that the traffic model had distributed traffic across the road network, based on travel to work data from the 2011 Census. This showed that 70 per cent of traffic would go via Kiln Road, with 30 per cent using Waller Drive and Turnpike Road and these would be small numbers. He stated that changes in speed limits were not usually imposed by development in the way suggested, since they were subject to a separate consultation process and there was no guarantee it would be supported. However, should there be concerns about traffic speeds post-development, the Parish Council could ask for this to be considered as part of a future speed limit review.
76. Councillor Culver highlighted that Conditions 32 and 33 were missing. Mr Till suggested that it was a typo. Councillor Culver noted that Condition 35 referred to these conditions.
77. Councillor Abbs stated that his vehicle had been hit by another vehicle on Stoney Lane and it was a known accident black spot. He asked how many vehicles the model showed as going north along Stoney Lane.
78. Mr Goddard confirmed that the transport assessment showed 3.8 per cent of traffic from the site would go north via Stoney Lane, which represented an increase of two cars in the peak periods. He indicated that the transport assessment would have reviewed the accident records to look for patterns. He stated that there was no pattern of concern to warrant refusal of the development.
79. Mr Till suggested that conditions 32 and 33 were within the Ecology Officer's response and related to securing the recommendations within the report. He suggested that members ask for the requirements of the Ecology Officer to be reinstated into the decision and delivered.
80. Councillor Hooker asked if the conditions were missing, could that leave the Council open to an objection. Kim Mayer responded that it did, but it depended on whether

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they were missing, or if the numbering was incorrect. The meeting was adjourned while Mr Till investigated the missing conditions.

81. Mr Till confirmed that there was a typo in the report. Condition 32 referred to in the report actually referred to Condition 31 (Landscape & Ecological Management Plan), while Condition 33 actually referred to Condition 34 (Construction Environmental Management Plan). Condition 3 detailed the requirements of the preliminary bat roost assessment, the dusk emergence and sawn re-entry bat surveys, Phase 1 & 2 environmental and geotechnical investigation, the preliminary ecological appraisal, the reptile mitigation strategy, the reptile survey, the site waste management plan, the preliminary arboricultural assessments, and the landscape management and maintenance plan. These all tied into the requirements for ecological management that were set out in Condition 35. The mis-numbering error referred to Conditions 3, 31 and 34 as set out in the agenda.
82. Councillor Culver noted that the Condition relating to bats referred to things that had already happened, rather than things in future that needed to happen before construction began. Simon Till noted that the surveys contained recommendations about how matters should be addressed as well as the survey results. The condition was to ensure that the recommendations from the ecological surveys were delivered.

Debate

83. Councillor Abbs opened the debate. He noted that members were being asked to make decisions based on incorrect information. He indicated that this made the application difficult to determine. However, even if the correct information were provided, some policies would still be breached. He indicated that he would ask for additional conditions on appearance, layout and scale to be imposed if the committee were minded to approve the application.
84. Councillor Howard Woollaston advocated a pragmatic approach given the extant planning consent. He noted that the fall-back position would result in an inferior proposal coming forward. He suggested that if the committee were to refuse the application, then they would lose at appeal. He proposed to support the officer's recommendation.
85. Councillor Vickers stated that he could not support the application unless the footpath was provided across the public open space. Without this, the development was inferior to the previous proposal. He proposed an addition, as per Mr Till's wording, in the S106 agreement, such that in the event that this could not be secured through negotiation with the developer, Members could resolve that the application be brought back to committee for consideration again within the timescale agreed in the resolution. He also referred to the plan showing the play area layout and suggested that the entrance be moved to better serve residents from the Manor Park estate, since the facility was for the community as a whole. He indicated that with these changes, he would support the proposal, although he noted that it was the worst site within the HSADPD. He referred to Councillor Hilary Cole previously using her casting vote to pass the previous application.
86. Councillor Hooker noted that the Chairman's casting vote was part of the democratic process. He asked Councillor Vickers not to single out individual members of the committee for their previous decisions.
87. Councillor Cant acknowledged that there was an extant consent. He indicated that although there were inaccuracies, members had made sensible suggestions for changes to conditions and so he would be happy to support the proposal.

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88. Councillor Culver asked if there should be specific conditions about bats. She indicated that without detailed information, it was difficult to make an assessment about whether the proposed conditions were sufficient. She sought conditions relating to: the 10 per cent reduction in emissions compared to current building regulations requirements; and distances between houses meeting the council's standard of 21 metres. She indicated that the council would be open to criticism if they went against adopted policy.
89. Mr Till agreed that officers could develop an appropriate condition to seek to secure the 10 per cent reduction in emissions as proposed in the Energy Strategy. With regards to the distances between houses, this would require substantial change to the layout, possibly involving the removal of houses.
90. Councillor Abbs noted that he had not seen the extant permission and could not comment on that, but the committee would consider the reserve matters application on its merits if it were to come forward. He suggested there were clear reasons to reject this proposal including, the appearance was not in keeping with nearby houses; there were issues with the layout; and in terms of scale, he did not consider three storey buildings to be appropriate. He noted that sites did not have to be built out to their maximum level and cited Sandleford as an example. He reiterated the point that there were significant discrepancies with the measurements. He proposed to reject the proposal.
91. Kim Maher noted that Councillor Woollaston had already made a proposal.
92. Councillor Hilary Cole stated that she took great exception to comments made by Councillors Simpson and Vickers regarding use of her casting vote as Chairman of District Planning Committee in 2017, which she felt questioned her integrity. She invited Councillor Vickers to withdraw his remark. She noted that much had been made of the site's inclusion in the HSADPD and recalled that the planning inspector had asked the council to look at its housing supply, which was the reason for the HSADPD. She noted that the Village Design Statement was vague about what was considered as acceptable development in this area. She supported the development and the conditions proposed by members. She suggested that assumptions about people living in affordable housing not being able to afford cars were incorrect. She did not consider there to be an issue with the gradients on the site. She seconded Councillor Woollaston's proposal.
93. Councillor Vickers stated that his comments were not meant to impugn Councillor Hilary Cole's integrity, but he was simply highlighting that hers had been the casting vote on the previous application. He highlighted that the TRICS model assumed that people in affordable housing would make fewer car trips and the applicant had used this to justify the lower number of car trips set out in the transport statement. He noted that the development was elevated and far from local facilities and unlike Sandleford, it did not have retail at the same level. He suggested that the site should have lower density housing, with larger units for people who could afford at least two cars. He felt that the site should not have been included in the HSADPD, and should not have been brought forward with this number of houses. Nevertheless, he indicated that he would support the resolution.
94. Councillor Cant noted that the relevant issue was whether the submitted proposal was sufficient to justify consent and opined that it was. He suggested that Members should be careful in questioning the professionalism and judgement of officers by expecting a Planning Inspector to take the opposite view. He suggested that if this application were to go to appeal, the Council would be unsuccessful and incur significant costs.

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95. Councillor Abbs requested a named vote.
96. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston and seconded by Councillor Hilary Cole to accept officer's recommendation to grant planning permission for the reasons listed in the main report and update report, subject to the following amendments:
- inclusion of a footpath across the public open space (subject to the successful negotiation of the S106 agreement);
 - inclusion of an additional entrance to the playground to serve residents of the Waller Drive estate;
 - the developer must ensure a 10 per cent reduction in emissions over that required by current Building Regulations;
 - Condition 11 be amended such that it refers to gradients of 1:12 rather than 1:8.
97. At the vote, the motion was carried by six votes to three, with members voting as follows:
- Councillor Abbs – against
 - Councillor Barnett – against
 - Councillor Benneyworth – for
 - Councillor Cant – for
 - Councillor Hilary Cole – for
 - Councillor Culver – against
 - Councillor Vickers – for
 - Councillor Woollaston – for
 - Councillor Hooker (Chair) - for

RESOLVED that provided that a Section 106 Agreement has been completed by 22/01/2021 (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), the Head of Development and Planning be authorised to grant planning permission subject to the conditions listed below.

OR, if a Section 106 Agreement is not completed, to **refuse** planning permission for the reasons listed below.

Conditions

1. Commencement of development

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. Preventing the implementation of two schemes

The development to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted by the Local Planning Authority under application reference 16/01489/OUTMAJ is begun.

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Reason: To prevent the implementation of both schemes or part implementation which would result in a piecemeal development and not allow for all of the necessary mitigation strategies to be implemented or enforced.

3. Approved plans

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

- 1) Apartments Floor Plans, reference 230 REV A, received 25/08/2020
- 2) Bin Store and Cycle Store, reference 220 REV D. received 31/07/2020
- 3) Proposed Site Layout Plan, reference 101 REV L, received 10/09/2020
- 4) Parking Strategy, reference 103 REV F, received 10/09/2020
- 5) Site Location Plan, reference 100, received 05/03/2020
- 6) Block Plan, reference 102 Rev C, received 22/06/2020
- 7) Surface Water Drainage Strategy, reference 8190252/1200 REV P8, received 29/07/2020
- 8) Site Sections and Street Scene, A, B and C, reference 222 REV B, received 01/07/2020
- 9) Site Sections and Street Scene, D, E and F, reference 223 REV B, received 01/07/2020
- 10) Building Heights, reference 106 Rev C, received 22/06/2020
- 11) House Types Plan, reference 107 Rev C, received 22/06/2020
- 12) House Type 3B1 Floor Plans and Elevations (Plots 25, 26, 29 and 30), reference 201 Rev C, received 22/06/2020
- 13) House Type 3B1A Floor Plans and Elevations (Plots 3, 4, 27, 28, 51 and 52), reference 202 Rev C, received 22/06/2020
- 14) House Type 3B2 Floor Plans and Elevations (Plots 5 and 18), reference 203 Rev C, received 22/06/2020
- 15) House Type 3B2A Floor Plans and Elevations (Plots 7 and 16), reference 204 Rev C, received 22/06/2020
- 16) 16. House Type 3B3 Floor Plans and Elevations (Plots 17, 53, 54, 67 and 68), reference 205 Rev C, received 22/06/2020
- 17) 17. House Type 4B1 Floor Plans and Elevations (Plots 1, 6, 13, 46, 47, 48, 50, 56, 57 and 58), reference 206 Rev C, received 22/06/2020
- 18) 18. House Type 4B2 Floor Plans and Elevations (Plots 2, 45, 49, 59, 60, 66 and 69), reference 208 Rev C, received 22/06/2020
- 19) 19. House Type 4B3 Floor Plans and Elevations (Plots 10, 19 and 55), reference 209 Rev D, received 22/06/2020
- 20) 20. House Type 4B3A Floor Plans and Elevations (Plots 9 and 11), reference 210 Rev D, received 22/06/2020
- 21) 21. House Type 4B3B Floor Plans and Elevations (Plots 12 and 14), reference 211 Rev D, received 22/06/2020
- 22) 22. Apartments Floor Plans (2 of 2), reference 231, received 15/06/2020
- 23) 23. House Type 4B3BA Floor Plans and Elevations (Plot 15), reference 212 Rev D, received 22/06/2020
- 24) 24. Affordable Housing Layout, reference 105 Rev C, received 15/06/2020

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- 25) 25. Garages Plans and Elevations, reference 219 Rev B, received 05/03/2020
- 26) 26. Sub Station, reference 221 Rev B, received 05/03/2020
- 27) 27. House Type 3B2B Floor Plans and Elevations (Plot 8), reference 224 Rev C, received 22/06/2020
- 28) 28. Apartments & Maisonettes Front & Rear Elevations (Plots 20-24), reference 226, received 15/06/2020
- 29) 29. Apartments & Maisonettes Side Elevations (Plots 20-24), reference 227, received 15/06/2020
- 30) 30. Apartments & Maisonettes Floor Plans (Plots 20-24), reference 228, received 15/06/2020
- 31) 31. Apartments Elevations (Plots 33-41), reference 229, received 15/06/2020
- 32) 32. House Type 4B4 AFF (Plots 31-32), reference 232, received 15/06/2020
- 33) 33. Maisonettes (Plots 42-44), reference 233, received 15/06/2020
- 34) 34. House Type 3B1 (semi) (Plots 64-65), reference 234, received 15/06/2020
- 35) 35. House Type 3B1A AFF and 2B1 (Plots 73-75), reference 235, received 15/06/2020
- 36) 36. House Type 3B1A AA and 2B1 (Plots 70-72), reference 236, received 15/06/2020
- 37) 37. House Type 3B1A AA (Plots 61-63), reference 237, received 15/06/2020
- 38) 38. Topographical Site Survey, reference 4a, received 05/03/2020
- 39) 39. Landscape Mitigation and Enhancement Plan, reference ACLA/BFM 05 D, received 05/03/2020
- 40) 40. Landscape Overview Plans 1 of 5, reference ACLA/BFM 100, Rev C, received 15/06/2020
- 41) 41. Landscape Overview Plans 2 of 5, reference ACLA/BFM 101, Rev C, received 15/06/2020
- 42) 42. Landscape Overview Plans 3 of 5, reference ACLA/BFM 102, Rev C, received 15/06/2020
- 43) 43. Landscape Overview Plans 4 of 5, reference ACLA/BFM 103, Rev C, received 15/06/2020
- 44) 44. Landscape Overview Plans 4 of 5, reference ACLA/BFM 104 Rev C, received 15/06/2020
- 45) 45. LEAP Layout Plan, reference ACLA/BFM 105 Rev C, received 15/06/2020
- 46) 46. Fire Hydrant Plan, 8190252/1511 Rev P5, received 22/06/2020
- 47) 47. Proposed Levels, 8190252/1104 Rev P8, received 22/06/2020
- 48) 48. Surface Water Drainage Strategy Plan, 8190252/1200 P8, received 29/07/2020
- 49) 49. Proposed Covent Area, reference ACLA/BFM 106, received 15/06/2020
- 50) 50. Refuse and Servicing, reference 104, Rev D, received 22/06/2020
- 51) 51. Arboricultural Impact Assessment, reference RT-MME-150332-02 REV B, received 16/06/2020
- 52) 52. Archaeological WSI, reference 15e282ds, received 03/04/2020
- 53) 53. Energy Statement, Revision D by Energist, received 13/05/2020
- 54) 54. Archaeological Desk-based Assessment, reference CFN15/284, received 05/03/2020

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- 55) 55. Outline bat mitigation Strategy, reference RT-MME-130905-05, received 05/03/2020
- 56) 56. Preliminary Bat Roost Assessment, reference RT-MME-130905-02, received 05/03/2020
- 57) 57. Dusk Emergence and Dawn Re-entry Bat Surveys, reference RT-MME130905-03 Revised June 2020, received 15/06/2020
- 58) 58. FRA and Surface Water Drainage Strategy, reference CV8190252/LMcG/DW/014, received 22/06/2020
- 59) 59. Landscape Management and Maintenance Plan, reference ACLA/BFM, received 05/03/2020
- 60) 60. PHASE 1 & 2 ENVIRONMENTAL & GEOTECHNICAL INVESTIGATION NO 3792/15 Parts 1 – 4, received 05/03/2020
- 61) 61. PRELIMINARY ECOLOGICAL APPRAISAL, reference RT-MME-130905-01, received 05/03/2020
- 62) 62. REPTILE MITIGATION STRATEGY, reference RT-MME-130905-06, received 05/03/2020
- 63) 63. REPTILE SURVEY, reference RT-MME-130905-04, received 05/03/2020
- 64) 64. SITE WASTE MANAGEMENT PLAN, by Pegasus Group, received 05/03/2020
- 65) 65. PRELIMINARY ARBORICULTURAL ASSESSMENT UPDATED, reference RT-MME-150332-01, received 05/03/2020

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

4. Arboricultural Method Statement

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 all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall not take place without the implementation of the approved arboricultural method statement. Page 25 West Berkshire Council Western Area Planning Committee 25th November 2020

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 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

5. Arboricultural supervision condition

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary

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because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

6. Arboricultural Programme of Works

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. Thereafter the approved tree works shall be undertaken in accordance with the approved details.

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. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place

7. Travel Plan

No development above slab level shall take place until a Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the development 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 2019, Policy CS13 of the West Berkshire Core Strategy (2006-2026), policies P1 and GS1 of the Housing Site Allocations DPD (2017) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Electric vehicle charging points (prior approval)

No dwelling shall be first occupied until an electric vehicle charging point has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

9. Construction method statement (prior approval)

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;

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- (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 any decorative displays and facilities for public viewing;
- (e) Wheel washing facilities;
- (f) Measures to control the emission of dust and dirt during construction;
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (h) A site set-up plan during the works.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework 2019, 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). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; ensuring that the site is constructed in a safe manner must be secured prior to works starting on site.

10. Layout and design standards (amended)

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the Developer to enter into a S278/S38 Agreement for the adoption of the site. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework 2019, 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).

11. Gradient of private drive

The gradient of private drives shall not exceed 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

12. Parking (approved plans)

No dwelling shall be first occupied until vehicle parking and turning spaces for that dwelling have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private 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 applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core

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Strategy 2006- 2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

13. Cycle parking/storage (approved plans)

No dwelling shall be first occupied until cycle parking/storage facilities [for that dwelling have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).

14. Widening of Stoney Lane

No dwelling shall be first occupied until the carriageway of Stoney Lane, between the northwest corner of the development site and Pine Ridge has been widened in accordance with drawing no. 8190252/6103 rev B and any statutory undertaker's equipment or street furniture re-located in accordance with current WBC carriageway standards.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

15. Change of speed limit (amended)

No development shall take place until details of how the '30/National' speed limit change will be relocated approximately 220 metres to the north, together with an entry feature (should there be sufficient verge) have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the speed limit could be relocated. No dwelling shall be occupied until the speed limit change has been relocated and has been provided in accordance with the approved details.

Reason: To ensure the development is served by an adequately lit highway in order to maintain road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. Construction of Footpath

No dwelling shall be first occupied until a two metre wide footway on the east side of Stoney Lane, between the southwest corner of the development site and No. 63 Stoney Lane, including a dropped kerb crossing over Stoney Lane, has been constructed in accordance with the approved drawings and any statutory undertaker's equipment or street furniture located in the position of this footway has been re-sited to provide an unobstructed footway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians. This condition is imposed in accordance with the

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National Planning Policy Framework 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

17. Visibility Splays

No dwelling shall be first occupied until the visibility splays at the proposed access on to Stoney Lane have been provided in accordance with drawing number 8190252/6103 rev B. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

18. Sustainable drainage

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

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018 and Surface Water Drainage Strategy Drawing No. 8190252/1200 or any subsequent version of this plan submitted to and approved by the LPA for the purposes of discharging this condition.
- b) 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;
- c) Include construction drawings, cross-sections and specifications of all proposed drainage features, SuDS measures and spillways within the site;
- d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures for the 1 in 1 year storm, 1 in 30 year storm, 1 in 100 year storm and 1 in 100 year storm +40% for climate change events;
- e) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features;
- g) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements and agreement 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;
- h) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;
- i) Provide written confirmation 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;

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- j) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);
- k) Include details of the preferred foul water pumping station, inclusive of capacity calculations;
- l) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses and land either on or adjacent to the site;
- m) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

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

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

19. Construction Management Plan

No development shall take place until details of a scheme (Construction Method Statement) to control the environmental effects of the demolition and/or construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

- I. the control of noise
- II. (ii) the control of dust, smell and other effluvia
- III. (iii) the control of rats and other vermin
- IV. (iii) the control of surface water run-off
- V. (iv) the proposed method of piling for foundations (if any)
- VI. (v) proposed construction and demolition working hours
- VII. (vi) hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site. The development shall be carried out in accordance with the approved scheme.

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

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20. Hours of work (construction/demolition)

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.

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

21. Contaminated land (investigation and remediation)

No development* shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the LPA. The above scheme shall:

- (a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).
- (b) Include a remediation scheme* which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
- (c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.
- (d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.

Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out in accordance with the approved details. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme.

If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. Thereafter, any remediation measures shall be carried out in accordance with the approved details.

The development shall not be occupied* until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA. (* Unless otherwise agreed in writing by the LPA)

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

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offsite receptors. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required to ensure that adequate investigation and a suitable remediation and/or monitoring is agreed before it may be implemented throughout the demolition and/or construction phase

22. Archaeological Written Scheme of Investigation (WSI)

No development including site clearance shall take place within the application area until a Stage 1 Archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. No demolition or development shall take place for land within the area covered by the WSI, other than in accordance with the approved WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by Stage 1, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI no site clearance work or development shall take place other than in accordance with the agreed WSI, which shall include:

- A. The Statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 199 of the 2019 National Planning Policy Framework and is accordant with the requirements of Policy CS19 of the West Berkshire Core Strategy 2006-2026.

23. Permitted development restriction (extensions/outbuildings)

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, reenacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C, D and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site in the interests of respecting the character and appearance of the surrounding area, and to maintain acceptable relationships with surrounding development. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).

24. Piling

If piling on the site is required then auger piling shall be used to minimise noise and vibration unless otherwise agreed in writing by the Local Planning Authority.

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

25. Mineral Exploration

No development shall take place until a statement of mineral exploration and associated development management plan has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:-

- (a) A method for investigating the extent and viability of the potential construction aggregate mineral resource beneath the application site, particularly the eastern end of the site where it is proposed to locate the sustainable urban drainage system.
- (b) A methodology that ensures that construction aggregates that can be viably recovered during development operations are recovered and put to beneficial use, such use to be agreed with the Planning Authority, and such an agreement not to be unreasonably refused; and
- (c) A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

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

Reason: To ensure compliance with Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire to ensure the appropriate use of the identified mineral resources located beneath the application site. A pre-commencement condition is required because any recovered aggregate will take place during construction operations.

26. Protection of breeding birds during construction

No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding bird shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

27. Badgers

No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. Thereafter any such works shall incorporate the approved measures. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

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- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure that badgers are not trapped and harmed on site and also to ensure that badgers do not cause problems for future site operation, e.g. blockage of pipes. Badgers are protected under the Protection of Badgers Act 1992. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

28. Lighting strategy (Ecology)

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

- a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.
- c) Include an isolux diagram of the proposed lighting.

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

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

29. Hard landscaping (prior approval)

No dwelling hereby permitted shall be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

30. Landscaping (submitted scheme)

All landscape works shall be carried out in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including plans and documents referenced in condition 3 of this planning consent, unless otherwise agreed in writing by the LPA. The approved landscape works shall be implemented within the first planting season following first occupation of the or in accordance with a programme submitted before any development takes place and approved in writing by the Local Planning Authority. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this development shall be replaced

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within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

31. Landscape and ecological management plan (LEMP)

A Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) shall be submitted to and be approved in writing by the local planning authority prior to the construction of any dwelling of the development. The content of the LEMP shall include the following:

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

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

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

Reason: This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the LEMP may need to be implemented during construction.

32. Construction environmental management plan (Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.

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- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

33. Updated surveys

If the development hereby approved does not commence by 1 September 2022, the approved ecological measures secured through Conditions 3, 31 and 32 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of (bats, slow worms and nesting birds) and (ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

IMPORTANT: If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist. Reason:

Reason: This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is to ensure relevant mitigation and protection is in understood and in place prior to works starting on site.

34. Low and zero carbon energy

No dwelling hereby approved shall be occupied until the low and zero carbon energy generation measures identified in Energy Statement by Engerist, dated 19/02/2020 received 13/05/2020, have been implemented and provided in accordance with the approved details and a post construction review evidencing that all the required measures have been implemented has been submitted to the LPA.

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Reason: To ensure that the low/zero carbon energy generation measures required to achieve a 10% reduction in carbon dioxide emissions are provided before the development is brought into use. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS15 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

Heads of Terms for Section 106 Agreement

1 Affordable housing

To provide 40% affordable housing on site.

2. Public Open Space

To secure the creation, retention and governance of public open space and LEAP in accordance with the details provided in LEAP Layout Plan, reference ACLA/BFM 105 Rev C.

3. Protection of hedgerow

Planning obligation to protect and maintain the existing hedgerow along the northern boundary and the middle section along the eastern as shown on plan; Proposed Covent Area, reference ACLA/BFM 106.

4. Footpath

To secure the construction and retention of a paved pedestrian path across the public open space connecting the southern boundary to the playground at The Leap and the housing on the development site.

Informatives:

1. The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the precondition(s) have been met. A fee is required for an application to discharge conditions.
3. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
4. 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

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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

5. This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the 18th September 2017. You are advised to ensure that you have all the necessary documents before development starts on site.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
7. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
8. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
9. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

(2) **Application No. and Parish: 20/01520/FULD, Rickety Gate Farm, Hamstead Marshall**

(No declarations were received for this item).

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1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/01520/FULD in respect of a Section 73: Variation of condition 13 'removal of log cabin' of approved application 17/02099/FULD: Section 73A: Variation of Condition 15: Temporary log cabin permitted of approved application 13/01008/FULD: Relocation of existing dog breeding establishment involving the erection of a single storey kennel building; siting of a temporary mobile home; isolation kennel building and change of use of existing barn to ancillary storage building; the use of land as canine exercise area, associated parking, turning and landscaping (allowed on appeal APP/W0340/A/13/2206830), at Rickety Gate Farm, Hamstead Marshall
2. Ms Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

Removal of speaking rights

3. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
4. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
5. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Ms Nicky Brook, agent. Ms Brook was able to attend the remote meeting.
6. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?Cid=155&Mid=5736&Ver=4>

Agent's Submission

7. The Clerk read out the representation. Members questioned the attendee as follows:
8. Councillor Adrian Abbs asked for clarification as to why an inability to export had been given as a reason for delay, when there were many news reports about the shortage of dogs available to buy in the UK. He asked how important the export market was to the business. He further queried why the application was only for three years, presuming the applicant had a five year business plan, if it were a permanent business.
9. Ms Brook explained that the Local Plan policy only allowed for three years. In terms of export, she could not provide the breakdown for the number of dogs exported, however she was aware that there were some dogs exported, and this aspect of the business had been a problem in 2020.
10. Councillor Abbs asked whether it was a critical part of the business plan. Ms Brook confirmed that it was a critical part of Ms Paul's business plan, but not the sole part as she bred a lot of dogs.

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11. Councillor Hilary Cole was curious to know what breed of dogs were bred on the site. Ms Brook did not know the breeds that were reared on the site, as it was not relevant to the application. However she believed it was a broad range of different dogs.
12. Councillor Hilary Cole stated that she was aware that it was not relevant to the application, she had simply been curious. On hearing that it was a broad range of dogs, she was a little more curious.

Ward Member Representation

13. Councillor James Cole in representing the Committee as Ward Member made the following points:
 - Councillor James Cole felt that it was unfortunate that this application had arrived before the Committee. In practical terms, he had called this into Committee as a protective call-in for issues such as the spreading of spoil. However it became clear after a local site visit that nothing could be done about this issue at that stage. He had followed the application up with the planning officer twice, however he had not received a response other than the planning officer had noted that they had to discuss the application with previous section head. The next he heard, the application had been submitted to the Committee.
 - On reading the Committee report, he found that the planning officer had dealt with the other real issue to Councillor James Cole's satisfaction, and on enquiry to the satisfaction of the Parish Council too. He therefore withdrew his call-in. However, he was then told that there was nothing in the constitution to permit the call-in to be withdrawn at this stage.
 - He could not put an acceptable planning issue before the Committee to justify a refusal. Therefore, as far as he was concerned, the application should be approved.
 - He was going to propose to the Constitution Review Task Group, that he was part of, that they look for an acceptable form of words to avoid this situation in future.

Member's Questions to the Ward Member

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

Member's Questions to Officers

15. Members did not have any questions for officers.

Debate

16. Councillor Hilary Cole opened the debate by noting that she was a little concerned about the size of the breeding establishment, and the type of dogs that would be bred for export, as the agent seemed to think there was a high number of various breeds. However, she was reassured to see that the applicant was seeking to reach a high standard of operation at this site, as the new dog kennels legislation required it. The site was already there, the application was a variation of condition. Therefore, Councillor Hilary Cole proposed to accept officer's recommendation to grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Abbs.
17. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Abbs to grant planning permission. At the vote the motion was carried.

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

Conditions

1. Approved plans

The development hereby approved shall continue to be carried out in accordance with the following drawings (these either being first approved through appeal decision for 13/01008, condition discharge details and non material amendment details):

Location Plan 1001676-02 rev A

Block Plan 1001676-11 rev A

Proposed Elevations 1001676- 14 rev A

Proposed Floor Plans 1001676-12

Proposed Roof Plan 1001676-13

Site Sections 1001676-15 rev A

Isolation Kennel 1001676-16

Site Survey DTS041011-4M3

Log Cabin Plans -Floor Plans, Elevations, Roof Plan and Sections (approved through application 15/02664/COND2)

Unless alternative plans are approved in writing by the local planning authority.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2019, policies ADPP1, ADPP5, CS 13, CS 14, and CS 19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006.

2. Materials

The materials to be used in this development shall be as specified on the plans first received with application 13/01008/FULD and the roofing materials for the kennel building as approved through non material amendment application 17/01851/NONMAT. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.

Reason: To ensure that the external materials are visually attractive and respond to local character within the North Wessex Downs AONB and to ensure that noise mitigation measures are in place. This condition is imposed in accordance with the National Planning Policy Framework (2019) Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) Policies C3 and C5 of the Housing Site Allocations DPD and Supplementary Planning Document Quality Design (June 2006).

3. Landscaping Scheme

The development hereby approved shall continue to be landscaped (hard and soft landscaping) in accordance with plans approved through condition discharge application 16/00433/COND 4 and further details received with this application.

The approved details are shown on the following plans/documents:

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Drawing GAB.RGF.001 LPP Rev A (received by e-mail dated 22nd March 2016)

Site section details including retaining walls 1001676 15 rev C (received by e-mail dated 12th April 2016)

Levels and Hard surface details 1001676 11 rev D (received by e-mail dated 12th April 2016).

E-mail from applicant dated 22nd March 2016 regarding hard surfacing and boundary treatments

E-mail from agent dated 4th September 2017, confirming works and timescale of works to grassed exercise area.

E-mail from agent dated 20th October 2017, confirming hedge plant details.

The soft landscape details 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) Implementation of the approved landscape scheme before the first occupation or use of the main kennel building.
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of being planted shall be replaced by plants of the same size and species.
- c) That there is sufficient screen planting to the eastern boundary to the site opposite Hamstead Marshall Footpaths 1 and 2.
- d) The hard landscape details include;
- e) Finished floor levels and contours;
- f) All means of enclosure;
- g) Hard surfacing materials;
- h) Other structures (e.g. refuse or other storage units, signage etc);
- i) Services above and below ground (e.g. power, communications cables, pipelines etc - indicating lines, manholes, supports)

These works shall be carried out as approved prior to the first occupation of any of the buildings hereby permitted.

Reason: To ensure the implementation of a satisfactory scheme of hard and soft landscaping in the interests of visual amenity in the North Wessex Downs AONB. This condition is imposed in accordance with the National Planning Policy Framework (2019.), Policies ADPP1, ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

4. Arboricultural Method Statement and Tree Protection

The development hereby approved shall continue to be developed in accordance with the following details:

Arboricultural Method Statement and Tree Protection Plan dated 21st December 2015. GA Butler & Sons Ltd (Consulting Arborist - Stefan Rose)

Tree Protection Plan GAB.RGF.TPP.002

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Bat Habitat Suitability Assessment - additional document from PV Ecology (January 2016) in respect of protected species and trees to be removed.

All approved through condition discharge application 16/00019/COND3.

Measures to protect retained trees shall only be undertaken in accordance with the approved method statement, unless alternative measures are agreed in writing by the local planning authority.

Reason: To ensure the protection of trees identified for retention at the site and adjacent to the site. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies ADPP1, ADPP5, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

5. Drainage

The development hereby approved shall include the implementation of the foul drainage details plans approved through condition discharge application 16/00433/COND 4 and further details received with this application, before the development is first brought into use.

The approved details are shown on the following plans/documents:

Drainage Plan 1001676-17 rev A

Internal layout and plumbing details 1001676 12 rev B

E-mail from agent dated 20th October 2017 confirming all washing down to BioFicient then to reed bed.

The scheme must include the disposal of all solid and liquid wastes including dog washing effluent and kennel washing effluent. The approved measures for dealing with foul drainage shall be kept in place, in full working order and adhered to at all times.

Reason: In the interests of amenity. In accordance with policies ADPP5 and CS14 of the West Berkshire Core Strategy 2006-2026 and advice contained within the National Planning Policy Framework (2019)

6. SuDs

The development hereby approved shall include the implementation of the sustainable drainage measures to deal with surface water within the site approved through condition discharge application 16/00433/COND 4 and received with application 17/02099/FULD.

The approved details are shown on the following plans/documents:

Drainage Plan 1001676-17 rev A

Internal layout and plumbing details 1001676 12 rev B

Site section details including retaining walls 1001676 15 rev C and

Levels and Hard surface details 1001676 11 rev D both received by e-mail dated 12th April 2016.

E-mail from agent dated 20th October 2017 confirming use of water harvesting tank for roof run off from log cabin.

The approved measures shall be kept in place, in full working order and adhered to at all times.

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Reason: In order to minimise the risks of surface water flooding. In accordance with policies ADPP1 and CS16 of the West Berkshire Core Strategy 2006-2026 and advice contained within the NPPF (2019).

7. Internal and External Lighting

The development hereby approved shall include the implementation of the internal and external lighting of the site and buildings approved through condition discharge application 16/00433/COND 4.

The approved details are shown on the following plans/documents:

Drawing 1001676 14 rev B

Drawing 1001676 18 rev A and

Lighting details received by e-mail dated 30th March 2016 and

E-mail from applicant sent by Carter Jonas dated 30th March 2016 clarifying lighting details.

The lighting shall be installed in accordance with the approved details to minimise light spill and using PIR with manual over ride.

No additional lighting shall be installed or changes to the scheme shall be made except with the prior written approval of the local planning authority.

Reason: In the interests of amenity and character of the area, to protect dark night skies and protect wildlife habitats in the North Wessex Downs AONB. In accordance with policies ADPP5, CS 14 and CS19 of the West Berkshire Core Strategy 2006-2026 and advice contained within the NPPF.

8. Access and Circulation, visibility

No buildings hereby permitted shall be occupied until the access, vehicle circulation and associated parking, including for customers and deliveries have been provided in accordance with the approved plans. The access, parking and turning spaces shall thereafter be kept available for parking and manoeuvring at all times.

Reason: In the interests of highway safety and in order to reduce the likelihood of roadside parking. In accordance with Policy CS13 of the West Berkshire Core Strategy (2006-2026) and advice contained within the NPPF.

9. Visibility Splays

No buildings hereby permitted shall be occupied until full details of visibility splays have been submitted to, agreed in writing by the local planning authority and provided at the site entrance. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of one metre above carriageway level.

Reason: In the interests of highway safety. In accordance with Policy CS13 of the West Berkshire Core Strategy (2006-2026) and advice contained within the NPPF.

10. Sound Insulation

The main kennel building hereby permitted shall not be occupied until details of its construction to provide for appropriate sound insulation have been submitted to and agreed in writing by the local planning authority. The details shall be in accordance with the findings and recommendations of the Environmental Noise Impact Assessment by Ian Sharland Limited dated 13 March 2013 submitted with application 13/01008/FULD. The details will also take account of the potential for noise emissions via the air transfer grilles and from ventilation systems. The

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building shall be constructed and thereafter maintained and managed in accordance with the approved details.

Reason: In the interests of amenity, to minimise potential disturbance to neighbouring residential dwellings. In accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026, Policies OVS5 and OVS6 (West Berkshire Local Plan Saved Policies 2007) and advice contained within the NPPF.

11. **Vegetation Clearance**

No vegetation clearance works or demolition works shall take place in the bird nesting season (March-September) unless a check for nesting birds has been undertaken by a qualified ecologist within 24 hours of works commencing and has shown there to be no nesting birds present.

Reason: To accord with Policy CS17 (Biodiversity & Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

12. **Log Cabin Occupancy**

The occupation of the temporary log cabin hereby permitted shall be limited to a person solely or mainly working within the holding known as Rickety Gate Farm or a widow or widower of such a person and any resident dependants.

Reason: This permission has been given because the need for on site accommodation outweighs the planning objections to the development. The temporary log cabin must remain available for occupation in association with the dog breeding business. In accordance with Policies ADPP1, ADPP5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policies C1 and C5 of the HSA DPD and advice contained within the NPPF.

13. **Removal of log cabin**

The temporary log cabin hereby permitted shall be removed and the land restored to its former condition on or before three years from the date of first occupation, or 30th September 2024, or when it ceases to be occupied, whichever is the sooner. The Local Planning Authority shall be notified in writing within a month of the date of first occupation. Details to restore the land shall be submitted to and agreed in writing by the local planning authority before the works are implemented.

Reason: This permission has been given because the circumstances of the applicant are such in the short term as to outweigh the basic planning objections to the development. Should the proposed business on site fail, the site is not suitable for retention for a permanent dwelling without justification. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies ADPP1, ADPP5, CS10, CS12, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and C5 of the HSADPD.

Informatives

1. **Proactive**

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

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2. **Mud on the Road**

The applicant is requested to ensure that any debris from the site, including mud on the road is regularly removed/swept away. This will minimise danger to road users and protect neighbouring amenity.

3. **Damage to the Carriageway**

The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

4. **Damage to Footways, Cycleways and Verges**

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

(3) **Application No. and Parish: 20/02205/HOUSE, White Cottage, North Heath, Chieveley, Winterbourne**

(Councillor Hilary Cole declared a personal interest in Agenda Item 4(3) by virtue of the fact that she was a Member of Chieveley Parish Council. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

(Councillor Dennis Benneyworth declared a personal interest in Agenda Item 4(3) by virtue of the fact that he worked in the equestrian world, including racing, but had no connection to the applicant. 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.)

1. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(3).
2. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/02205/HOUSE in respect of the construction of oak framed tractor and garden machinery building, construction of stable block and construction of all-weather riding arena at White Cottage, Winterbourne.
3. Mrs Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant permission subject to the conditions outlined in the main and update reports.

Removal of speaking rights

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
5. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of

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the Committee might wish to ask in order to seek clarification on any part of their statement.

6. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Ms Clare Bassett, objector and Mr Jonathan Green, applicant. Those able to attend the remote meeting were Mr Green.
7. Individual written submissions were published online along with the agenda:
<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MIId=5736&Ver=4>

Objector's Submission

8. The Clerk read out Ms Bassett's representation. Ms Bassett was not able to attend the remote meeting.

Applicant's Submission

9. The Clerk read out the representation. Members questioned the attendee as follows:
10. Councillor Hilary Cole asked if the applicant had consulted with his neighbours. Mr Green believed that he had but it was several months ago.
11. Councillor Howard Woollaston had concerns regarding light pollution, and asked whether the applicant would agree to a condition that restricted lighting in and around the arena. Mr Green accepted that the arena lighting could be conditioned.
12. Councillor Dennis Benneyworth noted that many arenas had mirrors. He asked whether the applicant had planned to install mirrors, and if so, whether they would be facing away from his neighbours. Mr Green explained that the arena would be situated south northerly and the neighbours were to the west, and therefore any mirrors would be placed perpendicular to the neighbours.
13. Councillor Phil Barnett queried whether the information regarding manure disposal was requested by officers. Mr Green confirmed that he was requested to provide the information as part of the application.

Ward Member Representation

14. Councillor Hilary Cole in representing the Committee as Ward Member made the following points:
 - Councillor Hilary Cole had called the application into Committee, as she was concerned about the impact the proposal would have on the amenity of the adjacent neighbour, and the wider Area of Outstanding Natural Beauty (AONB).
 - She had no issue with any resident seeking to improve their property but this should not be done at the expense of their neighbours.
 - North Heath was a small community, and although it was in Winterbourne Parish, it was some distance from Winterbourne Village, and was separated from it by the B4494 Wantage Road, it was more closely aligned with Chieveley Parish and Village. North Heath had no settlement boundary and was in a prominent position on high ground, within the AONB, and looked across the valley towards Chieveley.
 - The arena and stables were proposed to be sited in the larger area of ownership of White Cottage, but outside the domestic curtilage. This area was on an elevated site, which despite statements to the contrary in the report, was not well or adequately screened. There was a good example of this in the Site Photographs pack looking out of the site towards the cottage.

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- A statement in ADPP1 was referenced in the report and addressed identified needs and maintaining a strong local economy. She was at loss what identified need this application addressed and how it would ensure a strong local economy, as the application for the buildings and arena were apparently for personal family use. Policy CS12 was also cited making reference to diversification opportunities for farmers, but as this property was not a farm, nor were the applicants farmers, she failed to see the relevance this policy had to this application. What was relevant however, was the fact that this was a proposal for a large arena set in the North Wessex Downs AONB which had the highest level of protection in planning terms.
- Nothing in the officer's report indicated to her that the design respected and enhanced the character of the AONB, rather to the contrary as lighting was proposed. The application stated that this would be low level, but there was no guarantee that this would be the case, even if it were to be conditioned.
- North Heath enjoyed the benefit of dark skies, which were a major feature of the AONB. A key project of the AONB management board was to ensure that dark skies within the AONB were protected, not eroded. As the district was 74% AONB, we had a duty as a planning authority to ensure this protection of our dark skies was maintained.
- The other issue mentioned was one of noise. The Committee had given the effect of noise pollution a lot of attention and weight when it had been discussed for an application at Compton, and she asked that the Committee give the same level of consideration to the issue of noise at this site when debating the application. Horses were noisy, particularly when practicing jumping over fences and knocking them over. When coupled with shouted instructions from a trainer, this would be detrimental to the amenity of the neighbour at the cottage and she see no noise attenuation measure proposed in this application.
- In her view, the arena could be better placed in the land available to avoid disturbing the near neighbours, but that would probably be at a cost to the applicant as their own amenity would be affected
- Finally, as with many equestrian applications in the accompanying block plan, the arena was referred to as a ménage, which was French for a household, what had really been meant was a manege which was a school for training horses. It never ceased to amaze her that horse owners and their agents consistently got this wrong. For these reasons, she was unable to support the application.

Member's Questions to the Ward Member

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

Member's Questions to Officers

16. Councillor Woollaston asked if there was any discussion with the applicant about reducing the size of the arena. Ms Cutts confirmed that there had been no discussion on this point.
17. Councillor Hilary Cole asked if there had been any discussion with the applicant about noise attenuation. Ms Cutts responded that there had not been, in this instance.
18. Councillor Jeff Cant sought clarification of the impact of the application on the AONB. Ms Cutts noted that there were large, mature trees which formed the boundary of the site, particularly to the north and east elevations, which provided the setting for the

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houses which formed North Heath, in an elevated position as outlined by Councillor Hilary Cole. The proposed arena and buildings would be low-profile and there would be a low fence around the arena. Taking the filtering effect of the screening, together with the ancillary nature of the proposed development to the dwellings, she did not consider that the application would be harmful to the character of the overall AONB.

19. Councillor Cant further queried whether these would be the considerations that should be applied to any structure one wanted to put up in an AONB, or specific to this one. Ms Cutts explained that when considering buildings, such as out-buildings and garages as part of residential developments, the way that the whole group of building were viewed together, and how they sat within the landscape, certainly were material considerations and influenced how officers assessed the application.
20. Councillor Tony Vickers was curious as to the reasons for refusing the previous application, and whether the arena had been sited in a different location to this application. He queried that if he were to acquire a horse, would he have to get a change of use for his private curtilage to accommodate it, or was this application necessary because it was on an agricultural piece of land that was being used to accommodate horses, even though they were privately owned horses. All over the district one could see agricultural land with horses grazing upon it. Ms Cutts explained that equestrian use was different to agricultural use. The previous, refused application was sited in an open, arable field, which would have been a more exposed site. Councillor Vickers posited that this application was therefore more acceptable to officers, as it was within the curtilage of the existing buildings.
21. Councillor Vickers further questioned whether putting a horse in one's garden counted as equestrian use or not. Ms Cutts answered that the addition of the stables changed the use of the land. Councillor Vickers questioned whether there were already stables on the site. Ms Cutts explained that there were some buildings that the applicant referred to as stables, but which were not used for this purpose.
22. Councillor Benneyworth noted there had been some disagreement regarding distances on the plans. Ms Cutts explained that an officer had visited the site on 24 November 2020 following receipt of the written submissions, as very different measurements had been cited. The officer checked the Ordnance Survey plan against the interactive map to clarify the measurements. There was a plan within the photograph presentation that showed where officers had taken their measurements from on the map. The officer on site, measured the gap at about 30 metres, officers believed that the neighbour had measured from her garden boundary across to the stables. Having double checked the council records and visited the site, Ms Cutts was certain that the measurements on the submitted drawings were correct.
23. Mr Simon Till, Principal Planning Officer, explained that he had visited the site and used a 30 metre tape to measure across the field between the kink in the fence, amongst other fixed reference points, which was adjacent to the location of the stable and the boundary adjacent to the cottage. He measured the distance to be 35 metres in that location, so it was within a 50cm margin of error on the 1:1250 plan, which was a low margin of error in terms of that scale of plan. In terms of taking a more detailed measurement to locate the stables correctly, it was quite clear on the plan that this would be the distance that the stables were from the kink in the fence. He felt that there was quite clearly an understandable misunderstanding in the objector's correspondence, where the measurements had been taken from the garden boundary, whereas Mrs Cutts measurements had been taken from directly adjacent to Bee cottage itself.

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24. Councillor Benneyworth sought further clarification as to whether any lighting would be subject to a separate planning application. Ms Cutts explained that it would be conditioned as part of this application so that no lighting could be installed without the Council's consent.
25. Councillor Woollaston sought clarification on the point that if the application was solely regarding the arena, the owner would not have needed to apply for consent. Ms Cutts explained that the arena, the stables and the tractor area would need permission.

Debate

26. When opening up the debate the Chairman observed that if he had a piece of land and put four coats down on the ground and pretended he had an arena and jumped over poles, he would not need planning permission. He therefore wondered how concerns around noise would be considered.
27. Councillor Hilary Cole thought it was unfortunate that the applicant had not adequately consulted with his neighbours, that measurements had been called into question and that there had been no discussion with the applicant with regards to noise attenuation. Horses were noisy when they were practicing in an arena and this activity was very different to horses simply being turned out into a field. Councillor Benneyworth's comments about mirrors were quite disturbing, as irrespective of how they were placed they would cause reflection in this sensitive area of the AONB.
28. Councillor Hilary Cole proposed that the application be refused, contrary to officer's recommendation, however should Members be minded to approve it, she asked that the length of the arena be conditioned.
29. Councillor Adrian Abbs commented that he lived within 80 metres of the stable development and had never heard any noise from the horses. He respected Councillor Hilary Cole's wish to bring this application before the Committee, but he did not see any reason not to let this go ahead. He might have felt differently if there had been a large amount of lighting, but he could not object from a noise perspective or to an oak-framed building in the countryside that contained horses.
30. Councillor Benneyworth commented that he had a long background in working with horses and often it was not the horses that made the noise, but people. He could not see that noise would be a major factor with this application. He was also struggling to find reasons not to go with officer's recommendation.
31. The Chairman asked if there was a seconder for Councillor Hilary Cole's proposal, but none came forward. He asked for an alternative proposal. Councillor Abbs proposed to accept officer's recommendation and grant planning permission. This was seconded by Councillor Phil Barnett.
32. The Chairman asked for confirmation of any additional conditions. He cited the discussion regarding the lighting and location of mirrors. Councillor Hilary Cole suggested that the length of the arena be set at 40 metres.
33. Councillor Abbs confirmed that his proposal included conditions on lighting and the location of the mirror, however he did not understand the need to reduce the length of the arena. Councillor Benneyworth noted that 40 metres smacked as a little limited.
34. Ms Kim Maher, Legal Advisor, noted that Councillor Abbs had already made a proposal, and that the condition on the length of the arena was not included as a condition within his proposal.

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35. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Barnett to grant planning permission as per officer's recommendation. At the vote the motion was carried.

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

Conditions

1. Commencement of development

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

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

2. Approved plans

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

- I. Location plan received on 23rd September 2020;
- II. Proposed Block Plan received on 23rd September 2020;
- III. Stable Proposed Floor Plan, Roof Plan and Elevation Drawing no 1 received on 23rd September 2020;
- IV. Oak framed Tractor Barn, Utility Store and Workshop Proposed Elevations and Floorplans received on 23rd September 2020;
- V. Arena Fence and Gate received on 23rd September 2020; and
- VI. Planning Statement prepared by Paul Dickinson and Associated dated September 2020, received on 23rd September 2020;

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

3. Materials as specified

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

Reason: To ensure that the external materials are visually attractive and respond to local character in the North Wessex Downs AONB. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies ENV29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

4. All weather arena materials

No development shall take place above foundation slab level until a schedule of the materials to be used for the floor of the all-weather riding arena has been submitted to and approved by the Local Planning Authority. The riding arena shall be constructed and maintained in accordance with the approved schedule of materials.

Reason: In the interest of the amenity in the North Wessex Downs AONB. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006)

5. External lighting (details required)

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No development shall take place above foundation slab level, until details of the external lighting to be used in the areas around and on the buildings and the all-weather riding arena 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 hereby permitted are occupied. 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: To protect the amenities of adjoining land users and the character of the area in the North Wessex Downs AONB. 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 (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

6. **Manure storage and disposal (amended)**

The development shall not be brought into use until full details of the location and method of storage of manure and its removal has been submitted to and approved in writing by the Local Planning Authority. The location and methods of storage of manure shall be implemented in accordance with the approved details.

Reason: To prevent the proliferation of manure which would detract from the quality of the North Wessex Downs AONB and in the interests of amenity and to avoid any possible water/land contamination. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policies OVS5, OVS6 and ENV29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

7. **Private equestrian use only**

Irrespective of the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an order revoking and re-enacting that Order, with or without modification), the application site area permitted shall only be used for private recreational equestrian purposes ancillary to the enjoyment of the residential dwelling known as White Cottage, and shall not be used for any other purpose including commercial riding, breeding, training or liveryes.

Reason: In the interests of amenity of nearby residents and of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13, CS14 of the West Berkshire Core Strategy (2006-2026), Policies ENV29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

8. **Control of mirrors**

No mirrors shall be installed on the riding arena fencing, or within the riding arena except in accordance with details submitted and approved under a formal discharge of conditions application.

Reason: To protect the amenities of adjoining land users and the character of the area in the North Wessex Downs AONB. The site is near to adjoining residential dwellings and reflections from a poorly sited mirror may result in unacceptable levels of glare and reflection beyond the site boundaries. This condition is imposed

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in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV29 of the West Berkshire District Local Plan 1991-2006- (Saved Policies) 2007 and Supplementary Planning Document Quality Design (June 2006).

Informatives:

1. Proactive

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

2. Damage to Footways, Cycleways and Verges

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

3. Damage to the Carriageway

The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

40. Appeal Decisions relating to Western Area Planning Committee

No appeal decisions relating to the Western Area were presented to the Committee.

(The meeting commenced at 6.30 pm and closed at 10.25 pm)

CHAIRMAN

Date of Signature