

Note: Note: These minutes have been approved. Please see minutes of 28 April 2021 for any amendments.

## **WESTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 17 MARCH 2021**

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

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

**Apologies for inability to attend the meeting:** Councillor Adrian Abbs and Councillor Jeff Cant

#### **PART I**

##### **48. Minutes**

The Minutes of the meeting held on 3 February 2021 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Item 2, page 15, paragraph 37:** replace “Councillor Hooker” with “The Chairman”.

##### **49. Declarations of Interest**

Councillors Phil Barnett, Hilary Cole, Carlyne Culver and Tony Vickers 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 Dennis Benneyworth and Andy Moore declared an interest in Agenda Item 4(2), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Phil Barnett and Tony Vickers declared an interest in Agenda Items 4(3) and 4(4), 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

##### **50. Schedule of Planning Applications**

###### **(1) Application No. and Parish: 21/00114/COND1, Land Off Faraday Road and Kelvin Road, Newbury**

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council and Greenham Parish Council and their respective Planning and Highways Committees, which had discussed this application. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillors Phil Barnett, Hilary Cole, Carlyne Culver and Tony Vickers declared that they had been lobbied on Agenda Item 4(1).)*

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1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/00114/COND1 in respect of an Approval of Details reserved by Condition 5 (Phasing Programme of Works) of Approved Application 19/00891/OUTMAJ - Section 73: of Condition 6 - Phasing of previously approved application 18/01553/OUTMAJ: Section 73: Variation of conditions to allow for the development to be phased as detailed in submitted schedule of appeal reference APP/W0340/W/14/3002040. (12/00772/XOUTMA) at land off Faraday Road and Kelvin Road, Newbury.
2. 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 planning permission subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the application was concerned with the phasing of the development. The first phase was to provide the beginnings of the access road from Calvin Way, and the development then proceeded around the site. He noted that officers had no objection to the proposed phasing.
4. Councillor Tony Vickers asked why there was no speaker from Newbury Town Council. Mr Simon Till, Team Leader (Western Area Planning), confirmed that the Town Council was not a formal consultee, since this was a discharge of conditions application, and only key stakeholders who were involved in the technical matters of discharging the condition were usually consulted on such matters. In this case the key stakeholders would be Housing and Highways officers. He noted that Newbury Town Council had submitted comments, which were included in the update sheet.

### **Removal of speaking rights**

5. 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.
6. 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.
7. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from, Mr Arnold Ward on behalf of Mr Alan Pearce, objector. Mr Ward was able to attend the meeting.
8. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5741&Ver=4>

### **Objector's Submission**

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9. The Clerk read out the representation. Members did not have any questions relating to the written submission.

### **Ward Member Representation**

10. Councillor Jeff Beck in addressing the Committee raised the following points:
  - He had been associated with this proposed development for a number of years.
  - This application was to determine phasing for a previously approved application, and was not an application for planning permission.
  - Permission for 19/00981/OUTMAJ required an application to be made for drainage strategy and flood risk, as detailed on page 223, paragraph 6.9 of the report.
  - Residents in London Road were concerned about the risk of flooding on their land, which was already taking place. He asked the Committee to appreciate their fears that the flooding could increase to the extent that their houses could become flooded in future.
  - He supported the officer's recommendation for approval, but asked the Committee to consider including a condition to reinforce the necessity of a further application to be made in respect of drainage strategy and flood risk.

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

11. Councillor Phil Barnett asked if Councillor Beck was concerned about the effects of recent developments on the north side of Newbury, which could potentially produce a surge of water impinging on this site. Councillor Beck indicated that he was unsure as to which sites Councillor Barnett was referring. The Chairman indicated that the question was not relevant to Councillor Beck's representation.

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

12. Councillor Howard Woollaston expressed concerns that the proposed office accommodation might subsequently being converted to residential use and asked if conditions could be imposed to remove permitted development rights. Mrs Cutts explained that this application was only regarding the discharge of conditions relating to the phasing of the development, and no further conditions could be imposed on the permission as part of this process.
13. Councillor Vickers asked officers why the condition relating to the drainage of the site had not been agreed before the phasing application had been made, since drainage would need to be completed before buildings could be constructed. Mrs Cutts explained that the Planning Authority could only deal with applications in the order in which they were submitted. She noted that other pre-commencement conditions would need to be discharged before construction could start on site, including sustainable drainage. Mr Till confirmed that the sustainable drainage condition had requirements that would need to be discharged prior to construction, regardless of the order in which the information was submitted. He explained that the sustainable drainage would need to link up and function for each, and all phases. He disagreed with the objector's assertion that a phased development would prevent a holistic view being taken of drainage on the site.
14. Councillor Vickers asked if this would be addressed in the Construction Management Plan (CMP). Mr Till noted that the CMP and provision of works on the site, including sustainable drainage works, would need to interact with each other.

### **Debate**

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15. Councillor Hilary Cole opened the debate. She noted that the site had a tortuous planning history, but was pleased that the applicant was proposing to deliver 30 percent affordable housing on this brownfield site. She knew that officers were content with the phasing for the site, and indicated that she was happy to support the application if the commitment to the affordable housing was upheld when the development was constructed. She proposed to accept officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report.
16. Councillor Barnett suggested that the needs of the district had changed since the original outline planning application was approved. He agreed with Councillor Woollaston's concerns about potential future changes of use on the site, and suggested that the mix of uses should be considered in addition to the phasing of the development. He welcomed the affordable housing, but expressed concern about Phase Four of the development.
17. Councillor Vickers seconded Councillor Hilary Cole's proposal. He acknowledged that there had been concern about the housing when the development had originally been consented, but noted that it would deliver a tenfold increase in employment on the site, in addition to the housing. As such, it was a good use of brownfield land in a sustainable location. He explained that Newbury Town Council had convened a special meeting to consider this application. They felt it was important for the affordable housing and the rest of the development to proceed, but recognised residents' concerns about drainage. He indicated that Newbury Town Council would be prepared to publish their 500 word statement in support of the application. He suggested that the process be reviewed to allow representation from Parish and Town Council's on such matters in future.
18. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Tony Vickers, to grant planning permission subject to the conditions listed in the main report and update report. At the vote the motion was carried.

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

### Conditions

#### 1. Condition 5 : Phasing

The details submitted in relation to Condition 5 of planning permission reference 19/00891/OUTMAJ are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice, and in accordance with the following approved details:

- i. Covering letter dated 19th January 2021, received on 20th January 2021;
- ii. Development Description Addendum received on 27th January 2021
- iii. Site plan Drawing No RL14/P3/15 Rev A received on 20th January 2021;
- iv. Location Plan Drawing No RL14/P3/31 received on 20th January 2021;
- v. Phasing Plan Phase 1 Drawing No RL14/P3/40 received on 27th January 2021;
- vi. Phasing Plan Phase 2 Drawing No RL14/P3/41 received on 27th January 2021;
- vii. Phasing Plan Phase 3 Drawing No RL14/P3/42 received on 27th January 2021;

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- viii. Phasing Plan Phase 4 Drawing No RL14/P3/43 received on 27th January 2021; and
- ix. Phasing Plan Phase 1 Drawing No RL14/P3/39 Rev A received on 27th January 2021

### **Informatives**

#### **1. CIL**

The development to which these conditions relate, carries a liability to make a Community Infrastructure Levy (CIL) payment to the Council. You are advised to refer to the original approval documents and the associated Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

#### **(2) Application No. and Parish: 20/02039/FUL, Land West Of Pumping Station, Enborne Row, Wash Water, Enborne**

*(Councillor Andy Moore declared a personal interest in Agenda Item 4(2) by virtue of the fact that he knew the objector. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Dennis Benneyworth declared that he had been lobbied on Agenda Item 4(2).)*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/02039/FUL in respect of the construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme on land west of Pumping Station, Enborne Row, Wash Water.
2. Miss Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
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 Highways Officers had no objections to the proposal. The access and site layout were considered to be acceptable. The road from the site to the A343 was of a good standard, and from the A343 there was direct access to the A34.

### **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

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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 Richard Coward, objector, and Mr David Wood, agent. Mr Wood attended the meeting.
7. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5741&Ver=4>

### **Objector's Submission**

8. The Clerk read out the representation. Mr Coward was unable to attend the meeting to answer questions.

### **Agent's Submission**

9. The Clerk read out the representation. Members questioned the attendee as follows:
10. Councillor Tony Vickers noted that the ponies would not be relying on grazing to be fed, but in the officer's report it stated that every trip to provide fodder would involve trips of 25 miles each way, twice a day, totalling 100 miles a day. In a time of dealing with a climate emergency when we were being asked to cutting down unnecessary travel, he enquired how long this would go on for. Mr Wood explained that it would continue until his clients were able to purchase a property in the area.
11. Councillor Carolyne Culver highlighted that British Horse Society (BHS) and the Department of Environment, Food and Rural Affairs (Defra) standards both specified more room was needed for ponies than was proposed in this application. Defra recommend each horse be provided with 0.4 ha and BHS recommend 0.6 ha. Mr Wood noted that ponies required less space than horses, and confirmed that the ponies would not rely upon the grassland for food, as they would be fed on hay and concentrates.
12. Councillor Phil Barnett noted that the objector was concerned about the speed of traffic on Enborne Row. He asked if the horses would be ridden on the road, or if they would only leave the site in trailers. Mr Wood confirmed that the riders were young girls who would initially be led onto the road by adults. He noted that there was advice provided by BHS about how young children could ride safely on the highway.
13. Councillor Hilary Cole noted that the site was currently scrub and asked about the management of the grassland. She suggested that the proposal to feed hay to the horses may not be successful, and that the horses would still graze on grass. Mr Wood acknowledged that the site was in poor condition and explained that it would be cultivated and reseeded to create fresh pasture.
14. Councillor Dennis Benneyworth noted that the site was relatively small, at less than an acre, which included stabling, access and hardstanding, and asked what the three paddocks would be used for. He suggested that if the paddocks were used for riding, that this would further reduce the amount of land available for the turnout of the ponies. Mr Wood explained that splitting the site into three paddocks would mean that the grassland and worm pests could be managed, and a three week cycle would give the grass a chance to recover. He reiterated that the ponies would have supplementary feed and would be browsing possibly more than grazing.
15. Councillor Benneyworth suggested that the fields would need to be 'poo-picked' on a daily basis, which may be difficult if the owners did not live nearby. Mr Wood

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explained that his clients were aware of the need to do this as part of their routine animal care, similar to cleaning out stables.

16. Councillor Hilary Cole asked where the ponies were kept now. Mr Wood confirmed that they were in a livery near Abingdon.

### **Ward Member Representation**

17. Councillor Benneyworth in addressing the Committee raised the following points:
  - Parish Councillors and some residents were concerned that the ponies were Trojan horses, with the proposal being a pre-cursor to a request to change the use of the land to residential.
  - Local Plan Policy ENV21 required that sufficient land was provided.
  - The overall size of the plot was 0.37 ha, significantly less than the recommended standard of 0.6 ha, notwithstanding that a quarter of the site would be taken up by the stable block, hard standing and access road, which would further reduce the space available for the ponies.
  - Policy CS12 referred to “enjoying the countryside in a sustainable way”, but he questioned the sustainability of the owners daily 100 miles commute to look after the ponies and bring in fresh water twice a day.
  - Policy CS13 stated the aim to reduce the need for travel, but the proposal had the opposite effect.
  - Paragraph 6.10 of the officer’s report noted that the national speed limit applied on the road adjoining the site, which presented a hazard, particularly for young riders.
  - The Design and Access Statement claimed that there was adequate land which, with careful management, would provide grazing and exercise space for two ponies. However, he humbly suggested that “careful management” was an understatement.
18. Councillor James Cole in addressing the Committee raised the following points:
  - Local residents believed that this application was really about getting permission for houses, and reportedly the owner of the land had been advertising it as such.
  - The case officer stated that animal welfare was not a material planning consideration, however the space available was dramatically less than the minimum required for horses as required by Local Plan Policy ENV29. Policy ENV29(d) in conjunction with 2.56.3 made the planning policy clear.
  - Putting two ponies into a small, wet paddock would quickly destroy the soil structure. The effect of constant wet mud on horse’s hooves could be quite damaging and lead to conditions such as thrush.
  - The proposal would result in unsustainable commuting, which would be contrary to policy CS12.
  - It would also be contrary to Policy CS13, but officers did not feel this was relevant.
  - Cars passing at 60 mph as a pony emerged from the site, could cause it to rear, throw the rider, thereby leading to the rider being hurt. This site would be used by young riders. Although they would be led by adults, it would still be a risk and more so in the long-term.

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- Many horses were kept in fields adjoining country lanes where the speed limit was 60 mph, but in practice speeds and traffic volumes were often low. However, traffic volumes on this road were high as drivers picked up speed as they left the village. In the other direction, the vehicle activated sign was frequently triggered. It was a fast road.
- The land was not suitable for equines. This was an example of property speculation, and what was really needed in this time of climate change was to plant trees there.
- This application was not even in a grey area open to interpretation. It was not consistent with planning policies and should be refused.

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

19. Councillor Hilary Cole asked how long it would be before the young riders would need to graduate to larger ponies or horses, and the size of the acreage would then be unsustainable for larger animals. Councillor Benneyworth suggested that given the age of the riders and the size of the ponies, it would probably be within two to three years.
20. Councillor Carlyne Culver asked if there were concerns about the horse's safety given the remoteness of the site, and the fact that the owners lived so far away. Councillor Benneyworth suggested that ideally horses would be monitored on a frequent basis. However, he noted the applicants would make provision for someone to visit the horses twice a day if they were unable to do it themselves. He assumed that they would erect secure fencing and gateways to ensure the safety of the ponies.
21. Councillor Barnett asked whether reducing the speed limit to 40 mph would address road safety concerns. Councillor James Cole suggested that the volume of traffic was also important and even with a 40 mph speed limit, he would still be worried. He suggested that the children would be led out initially, but would soon want to ride by themselves, but he did not consider the road to be appropriate for ponies or horses.
22. The Chairman noted that Councillor James Cole had referred to the field as being wet land and asked if this was his own view or if it had been identified as such in a study. Councillor James Cole confirmed that it was his own view. The site was beside the river and had always been a bit wet.

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

23. Councillor Andy Moore noted that a condition was proposed requiring no more than two horses to be kept at the site, but asked if the condition could be tightened from horses to ponies. Miss Kirby suggested that it would not be reasonable to limit the height of the equines allowed on the site, but separate legislation may apply, such as the Animal Welfare Act, and it would be for the applicant to determine if it was viable to keep larger horses on the site.
24. Councillor Vickers asked if it was possible to condition that the horses not be brought to site until the Planning Authority was satisfied that the land and horses could be managed from the local area. Mr Simon Till, Team Leader (Western Area Planning), stated that the applicant's address was not a material planning consideration. He confirmed that planning permission applied to the land, unless made personal to the applicant for good planning reasons, because the applicant might wish to sell the land with planning permission in place. He strongly advised against imposing a condition limiting the applicant's address, which was outside the remit of planning.



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25. Councillor Vickers wondered if it was possible to condition the application on the basis of the Planning Authority being satisfied that the land could be managed sustainably, since it was not sustainable to rely on long, daily journeys. Mr Till agreed that sustainability was important when considering planning applications, but he did not consider that it would be possible to devise an appropriate condition.
26. Councillor Culver noted that on page 52, paragraph 6.25 of the officers report it was stated that animal welfare was not a planning consideration, yet paragraph 6.8 referred to ENV29(d), which required sufficient land to be provided. She observed that these two statements were inconsistent. Miss Kirby noted that this was one of the older saved policies, which was advisory only. She confirmed that planning could not consider animal welfare and reiterated that it was up to the applicant to determine if it was viable to maintain animals on the site. Mr Till stated that Planning Practice Guidance was clear that Planning Authorities should defer to other legislation where it better addressed the matter of concern, in this instance animal welfare legislation. He conceded that ENV29(d) sought to specify an appropriate area of land, but it was guidance rather than a hard rule. For this application, officers had sought additional information and were satisfied on balance that a viable use of the land could be made for the proposed purpose.
27. Councillor Culver asked if a security related condition could be imposed. Mr Till suggested that this would fall outside planning's remit and that the applicant would have an interest in protecting their investment.
28. Councillor Hilary Cole noted that it was a balanced application and wondered how much weight should be given to guidance and advice set out in the policies and other sources. Mr Till indicated that it was a difficult balance to strike where there were policies that referred to matters that were typically outside of planning control, and where National Planning Practice Guidance required planners to defer to other legislation. He confirmed that officers had looked at the requirements and recommendations of local policies in relation to the land available, and had sought considerable additional information and justification from the applicant, as well as technical advice from the Animal Welfare Officer. They were satisfied that the intention of the policy, to secure an appropriate amount of land for the use proposed, would be achieved. Officers had sought to avoid overstepping into the remit of animal welfare legislation. They had made their recommendation in the knowledge that our policies had specified recommended standards. Officers had sought information to satisfy themselves that the intentions of the policy, to secure that a reasonable amount and quality of land would be delivered.
29. Councillor Benneyworth observed that the site was not large and calculated that around a fifth of the plot would be given over to the access, stabling and hardstanding. This left around 0.14 ha per pony compared to the recommended space of 0.6 ha. He asked if officers were happy to support this. Mr Till indicated that officers had gone to a satisfactory high level of detailed justification to support the proposals. He stated that overdevelopment on the site was a material planning consideration and suggested that Members may take a different view of whether or not the proposed use was viable. He highlighted that detailed consideration had been given to medical welfare of the animals and every point where this had been queried, detailed responses had been provided by the agent. Consequently, officers did not have concerns regarding overdevelopment.
30. Councillor Barnett asked Mr Goddard for his view on road safety concerns associated with vehicles approaching horses at speed on Enborne Row. Mr Goddard noted that the demarcation between 30mph and the national speed limit of 60mph

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was a short distance to the east of the site, and he suggested that vehicles could be travelling faster than this past the site. However, he noted that the sight lines were very good, since the road was very straight and therefore it would be difficult for Highways to object. He stated that the Highway Code required motorists to slow down when passing horses, and with very good sight lines, he considered that drivers would have plenty of time to react and pass the horses and riders at an appropriate speed.

31. Councillor Moore asked if it would be possible to impose a condition requiring the applicant to pay for signage to highlight the entrance and the presence of horses. Mr Goddard indicated that this would be a matter for colleagues in Traffic Management. He suggested that if it became an issue, then the applicant could approach Traffic Management to ask if a sign could be installed.

### Debate

32. The Chairman reminded Members of the details of the application to be determined and of the need to focus on planning issues. He appreciated that this application was dealing with animal welfare, and that this was an emotive subject. He reminded Members that matters such as the address of the applicant, the visiting schedule, animal welfare, land management and security were not planning issues. He asked Members to concentrate the debate on planning issues, in order that the applicant and others could observe that the application had been thoroughly discussed.
33. Councillor Howard Woollaston opened the debate. He considered that the proposal represented overdevelopment of the site. He felt that trying to put two stables on a relatively small amount of land was not acceptable.
34. Councillor Vickers agreed and suggested that highway safety was also a material consideration. The agent had stated that he envisaged ponies with small children being led out onto a road where vehicles were travelling at 60mph. Councillor Vickers acknowledged that it was the owners responsibility to look after their children and animals, but he considered that the Committee had a responsibility to ensure that the permissions they granted did not introduce risks to all users of the public highway. The Chairman noted that the Highways Officer had given his professional view on this matter.
35. Councillor Culver disagreed that animal welfare was not a planning matter, and asked if the Committee would allow a tiny house to be built because it met certain regulations and policies, knowing that it would not be big enough for people to live in, and ignoring the advice of welfare organisations that stated that the space was too small.
36. Councillor Benneyworth noted that there were Local Plan policies relating to sustainability and animal welfare, so they were genuine planning considerations.
37. Councillor Hilary Cole disagreed with the Chairman and with officers' application of policy. She noted that it was up to the applicant to determine if the site was suitable for the purpose of keeping horses, but was pleased that the advice of the Animal Welfare Officer had been sought. When she had initially looked at the application she had thought it was straightforward, however the more consideration she gave it, the more she was inclined not to support the application. She felt that the Committee had a moral duty to consider animal welfare in the knowledge that it would be sub-standard in terms of space for ponies, which would quickly be outgrown. Despite the applicant advising that the ponies would not be reliant on the site for grazing, she did not consider that there would be adequate space for the animals to exercise.

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38. The Chairman indicated that his role was not to influence Members, but to direct them to the planning matters on which Members should focus.
39. Councillor Barnett indicated he would make his decision on the basis of comments made. Taking the Chairman's comments into consideration, he agreed with Councillors Woollaston and Hilary Cole and would not support the proposal.
40. Councillor Vickers agreed that it was a balanced application and accepted officers' views about the applicant's address being irrelevant. He noted that he had encountered many overdeveloped paddocks on his walks, where soil structure had been destroyed by not providing enough grazing land for equines, to the extent where the field had been turned brown. He proposed to reject officer's recommendation and refuse planning permission on the grounds of overdevelopment and highway safety, citing policy CS13. This was seconded by Councillor Woollaston.
41. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Howard Woollaston to refuse planning permission. At the vote the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to REFUSE planning permission for the following reasons:

### **Reasons:**

Members had concerns with overdevelopment of the site relating to failure to provide sufficient land for keeping of equines, contrary to policy and detrimental impacts on highway safety.

### **(3) Application No. and Parish: 18/03340/COMIND, Newbury Racecourse, Racecourse Road, Greenham**

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(3) by virtue of the fact that they were members of Newbury Town Council and Greenham Parish Council and their respective Planning and Highways Committees, which had discussed this application. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillors Phil Barnett and Tony Vickers declared that they had been lobbied on Agenda Item 4(3).)*

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/03340/COMIND in respect of Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) at Newbury Racecourse, Racecourse Road.
2. Mr Simon Till, Team Leader (Western Area Planning), introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that, providing a Section 106 legal agreement is completed within three months of the date of this committee (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 outlined in the main and update reports.

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3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the building had been used as a hotel, rather than a hostel, since the original planning application in 2016 was granted. He was not aware of any highways issues relating to its current use and had no objections to its continued use as a hotel. He noted the original application from 2009 made provision for a hotel with 123 bedrooms within the racecourse site, and subject to the constraint of 123 bedrooms being retained somewhere on the site, officers had no objection to the proposal.

### **Removal of speaking rights**

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
5. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
6. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from, Mr Raymond Beard, objector. Mr Beard attended the meeting.
7. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MIId=5741&Ver=4>

### **Objector's Submission**

8. The Clerk read out the representation. Members did not have any questions relating to the written submission.

### **Ward Member Representation**

9. Councillor Phil Barnett in addressing the Committee raised the following points:
  - It was difficult for him to voice his total opinion on this application and the application in Agenda Item 4(4) due to repeated delays in determining the proposals and changes in circumstances over the last decade, since the first application was submitted.
  - Residents of Greenham Parish and Newbury Town had kept a close eye on the racecourse in recent years as applications had progressed and developments had been built.
  - Residents of these developments had become part and parcel of the local community, and had to endure considerable changes, and had their expectations dashed a considerable time after taking residency, when original planning conditions were changed.
  - A new hotel in the east of the site complex was agreed and expected to be built, with open space retained around the stable lads' lodge, which was the replacement for the original hostel.

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- These proposals were outlined in the original application and were intended to formalise the temporary agreement two years ago, which was for a year-round operation, whereas the stable lad's requirement would only be for up to 25 race days per year.
- The proposal would have considerable impact on quality of life for local residents, particularly late in the evening and in the summer months when private functions would be the mainstay for the hotel. Also, he did not feel that residents would take up the offer to make use of the hotel facilities.
- The hostel was a replacement for the original stable lads' accommodation, which would not be fitted out to the same standard as expected by professionals. For example, he understood that the space in the rooms was very limited.
- There had been several changes made that were not expected when the proposal was first put forward. Would the original site become defunct? Would there ever be a community facility, which was desperately needed?

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

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

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

11. Councillor Hilary Cole sought confirmation that this application related to a technical issue regarding a change to the Section 106 agreement, with a maximum of 123 hotel rooms to be provided across the whole site rather than in a separate hotel. Mr Till stated that the previously approved hotel would not be developed while the hostel was in use as a hotel, and the Committee was asked to consider whether limiting the number of hotel bedrooms would have the same impact as not providing hotel accommodation beyond what had already gained approval. As such, it was a technical consideration of how the Section 106 agreement would deliver on the previously agreed requirement.
12. Councillor Hilary Cole indicated that it was self-evident that the 36 room hostel had accommodation was far superior to what would be expected for use by stable personnel. She sought confirmation that the proposal was to build 40 new rooms, increasing the total to 76 rooms, and if the Committee were to agree to 123 rooms over the site, a further 47 rooms could be built in future. Mr Till confirmed that Agenda Item 4(3) related to the change of use of the hostel, while Agenda Item 4(4) was for a 40 room extension and that the two applications together amounted to 76 rooms, leaving a balance of 47 rooms.
13. Councillor Tony Vickers asked what would happen if the Committee were minded to refuse this application, apart from the fact that the subsequent agenda item did not need to be discussed as it was reliant on this application being approved. He suggested that the applicant might appeal or the application might be referred up to District Planning Committee as it was contrary to policy. He asked officers to confirm the consequences of a decision to refuse. Mr Till highlighted the fact that there were two suggestions in the officer's report; one was that the changes to the legal agreement be accepted, and the other was that they be refused. He suggested that a further option would be for the resolution to revert to that made at the 2019 Committee meeting, whereby within three months, the legal agreement should secure that no development of the extant hotel permission were to take place, or that it was refused at that point.

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14. The Chairman asked if the Committee were to refuse the application, whether this would default to the third option outlined above. Mr Till stated that it would not, because the deadline in the previous resolution had expired.
15. Councillor Hilary Cole sought confirmation that the current permission for the extension had lapsed. Mr Till stated that the current permission for the use of the lodge as a hotel had expired, and the current resolution for construction of the extension, and for the change of use of the Lodge had expired.

### Debate

16. Councillor Hilary Cole opened the debate. She indicated that she was irritated by this application and the subsequent one, because this accommodation had originally been for stable hands and she understood residents' concerns. However, she noted that there had been just two formal complaints about noise. She suggested that this was a "tidying up exercise" and the Committee had to decide whether to approve the new application or stick with the current use. She indicated that she would prefer the former, but was concerned about the outstanding balance of rooms.
17. Councillor Hilary Cole proposed to accept officer's recommendation and grant planning permission, providing that a Section 106 legal agreement was completed within three months of the date of this committee (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), subject to the conditions outlined in the main and update reports. This was seconded by Councillor Howard Woollaston.
18. Councillor Vickers suggested, but did not formally propose that the Committee should refuse the application and revert to the previous agreement.
19. Councillor Barnett agreed with Councillor Vickers and indicated that he would vote against the proposal from Councillor Hilary Cole.
20. Councillor Andy Moore asked for clarification as to what would happen if the officer's recommendation were to be rejected. Mr Till stated that if the proposal was carried, the Section 106 agreement would secure a maximum of 123 hotel bedrooms across the site. If the proposal was not approved, and if Councillor Vickers' proposal were to come forward, then this would revert to the previous resolution to secure, via the Section 106 agreement, that the 123 bedroom hotel was not developed on the site. If this agreement could not be secured, then the application would be refused. If this proposal was not carried, then the final proposal would be to refuse the applications outright.
21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, and seconded by Councillor Woollaston, to grant planning permission, providing that a Section 106 legal agreement is completed within three months of the date of this committee (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), subject to the conditions outlined in the main and update reports. At the vote the motion was carried.

**RESOLVED that** the Head of Development and Planning be authorised to GRANT planning permission, providing that a Section 106 legal agreement is completed within three months of the date of this committee (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), subject to the conditions below

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OR, if a Section 106 Agreement is not completed within three months of the date of this committee (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), to REFUSE planning permission for the reasons listed below.

### **Conditions**

#### **1. Vehicular Access**

All vehicular access to the hostel/hotel shall be via the east from the new racecourse bridge as shown on location plan drawing reference 4385 SK20. At no time shall any traffic, including deliveries, be directed to arrive or leave via the western access through Stroud Green.

Reason: To ensure the amenity of residents in the western area are respected having regard to traffic movements in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

#### **2. External Lighting**

The external lighting to the hotel shall be switched off no later than 11pm daily and shall not be operated before 7am.

Reason: In the interests amenity of preserving the amenity of adjacent residential occupants in accord with policy CS14 in the West Berkshire Local Plan Core Strategy (2006 to 2026) 2012.

#### **3. Noise Management Plan**

Within 1 month of the date of this decision a noise management plan shall be submitted to the local planning authority, for written approval, that sets out how noise from the following sources will be controlled to protect residents living close to the site from noise and disturbance:

- Noise from guests and other users of the hotel.
- Noise from people using the outside seating area to the west of the restaurant bar.
- Noise from service vehicles and delivery operations.

The noise management plan shall also set out a timetable for the implementation of any works or other measures required and all works or other measures shall be undertaken in accordance with the approved timetable.

Reason: To protect residential amenity in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

#### **4. Availability of café/bar to public**

The café/bar area of The Lodge will be available for use by members of the general public for purchasing food and/or drink during normal opening hours (i.e. between the hours of 9am and 10.30pm), with the following exceptions:

- when there is a private function, which has exclusive use of The Lodge; or
- when the café/bar area is otherwise closed.

Unless an alternative arrangement is submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the café/bar area remains available for general use by members of the public and community groups in accordance with the recommendations of the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, for new development to facilitate the provision of healthy, safe environments.

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

#### **1. Maximum number of hotel bedrooms on the site**

The terms of the Section 106 agreement shall secure that no more than 123 hotel bedrooms are provided on the racecourse site.

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### Refusal Reason

#### 1. Planning obligation

The application fails to provide an appropriate planning obligation to prevent the overprovision of hotel bedrooms in a non-town centre location without adequate justification. The application is not accompanied by sufficient information or a sequential test to demonstrate that it would result in provision of hotel accommodation (a town centre use) in an appropriate location and at a justified amount. Furthermore, due to the extant consent for a 123 bedroom hotel on the racecourse site the proposed works would result in an over-provision of hotel accommodation in this location without justification of local need. The proposed works are therefore contrary to the requirements of paragraph 84 of the National Planning Policy Framework and Policy CS9 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, requiring that proposals for new business development should not conflict with existing uses.

### 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.

#### **(4) Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham**

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(4) by virtue of the fact that they were members of Newbury Town Council and Greenham Parish Council and their respective Planning and Highways Committees, which had discussed this application. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillors Phil Barnett and Tony Vickers declared that they had been lobbied on Agenda Item 4(4).)*

1. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 19/00225/COMIND in respect of the erection of a three storey extension to the front elevation of The Lodge to provide additional rooms The Lodge at Newbury Racecourse, Racecourse Road.
2. Mr Simon Till, Team Leader (Western Area Planning), introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Development and Planning be authorised to grant planning permission, subject to the completion of a Section 106 legal agreement, and subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard highlighted the comments in section 4.1 of the report. He confirmed that officers had raised concerns at the level of parking available within the proposal on race days. However, the applicant had given assurances that they had an effective car park



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management system in place that should ensure that parking was managed, and that there would be sufficient parking for this proposal on race days. As a result, officers were satisfied with the proposal and had no objection.

### Removal of speaking rights

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
5. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
6. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Raymond Beard, objector. Mr Beard attended the meeting.
7. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5741&Ver=4>

### Objector's Submission

8. The Clerk read out the representation. Members did not have any questions relating to the written submission.

### Ward Member Representation

9. Councillor Phil Barnett in addressing the Committee raised the following points:
  - He observed that there was a lot more accommodation in and around Newbury than ever before.
  - Fewer people were travelling now, even taking Covid-19 into consideration, and it was likely that this trend would continue in future, so he questioned whether there would be a need for additional overnight accommodation in future.
  - Access to the site was not straightforward, and many people would prefer to stay at a hotel on the major road network. Therefore, this additional accommodation would only be required for special events or race days.
  - Although there had only been two formal requests for noise and disturbance to be investigated, as a local Ward Member, he had been called on many occasions in the last 2 to 3 years regarding disturbance at the back of the complex. Local residents had been affected by the existing accommodation.
  - The Rocking Horse Nursery was located round the corner from the application site, and it would not be desirable for outside drinking to take place where it could affect young children.
  - Parking issues would need to be addressed. If the proposal were to be approved and occupied to its maximum capacity, this could attract a large number of vehicles. This could affect residents' parking, which was already restricted.

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

10. Councillor Hilary Cole noted that Councillor Barnett had been approached by residents about previous disturbances at the site, and asked if he had reported these to Environmental Health or encouraged residents to do so. Councillor Barnett indicated that he had advised residents to report the issue directly. He stated that a number of residents had notified the Environmental Health Team in relation to a particular disturbance at the time of the Hennessy Gold Cup weekend. However, residents had felt that their concerns had not been addressed by the team. He observed that issues were not always related to noise, and other anti-social, alcohol related behaviour took place on occasion.

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

11. The Chairman asked for clarification on potential parking issues, particularly if the hotel were to be fully occupied. He asked if the priority would be for hotel guests, and if the parking area was normally available to people attending race meetings. Mr Goddard indicated that there would be a surplus of 20 spaces on a race day with the hotel occupied. There was no evidence that there would be a shortfall, although it was getting close to it.

### **Debate**

12. Councillor Tony Vickers opened the debate. He did not see the point in refusing this application after the last one had been approved. He suggested that having most of the rooms in one place would make it less likely to have further smaller facilities situated on the site, since they would be more difficult to manage. He was disappointed as he had supported the original racecourse development back in 2009, since it represented an excellent site for housing due to its sustainability. However, it had become apparent that the racecourse was only interested in the housing as a cash cow, and they were not interested in providing a community or creating footfall in Newbury Town Centre. He suggested that having a hotel on the site would make it less likely for people to spend time in Newbury. However, there was no opportunity to change that through the planning process. It was obvious to him that the Racecourse considered itself to be an entertainment business with houses on the side. He observed that although it was a strategic housing site, it was not becoming a community.
13. Councillor Hilary Cole agreed with Councillor Vickers, but noted that the 40 bedrooms had been granted as part of a previous application, so she did not see any alternative, but to approve this one. She expressed concern about where the balance of the 47 remaining rooms would be built out. She considered it to be piece-meal development rather than a well-thought-out business plan, and suggested that the racecourse should have already thought about the implications of the investment in a larger hotel, rather than cobbling together the stable hands accommodation.
14. Councillor Hilary Cole proposed to accept officer's recommendation and grant planning permission subject to a Section 106 agreement being secured and subject to the conditions listed in the main report and update report. This was seconded by Councillor Andy Moore.
15. Councillor Dennis Benneyworth agreed with Councillor Hilary Cole and wondered about the commercial viability of the project, but indicated that was a matter for the applicant to consider.
16. The Chairman noted that the business plan was discussed at the previous meeting when it had been suggested that the funding for the hotel should have been agreed at the early stages of the project.

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17. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Andy Moore to grant planning permission subject to a Section 106 agreement being secured and subject to the conditions listed in the main report and update report. At the vote the motion was carried.

**RESOLVED that** providing a Section 106 Agreement has been completed by three months of the date of this committee (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), to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

OR, if a Section 106 Agreement is not completed within three months of the date of this committee (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), to REFUSE PLANNING PERMISSION for the reasons listed below.

### **Conditions**

#### **1. Three years for commencement**

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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

#### **2. Approved drawings**

The development hereby approved shall take place in accordance with the following approved drawings:

SK20, SK23, SK27, SK28, SK29, SK30, SK33, SK34, SK35, SK36, SK37.

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

#### **3. Materials**

The external materials to be used in the approved extensions shall match those used in the existing lodge and shown on the approved drawings.

Reason: In the interests of visual amenity in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

#### **4. Construction Management Plan**

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if any)
- (e) Wheel washing facilities

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- (f) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (g) HGV haul routes
- (h) the control of noise
- (i) the control of dust, smell and other effluvia;
- (j) the proposed method of piling for foundations (if any);
- (k) hours during the construction when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site

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 (July 2018), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policies OVS6 and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **5. Parking in accordance with drawings**

The extension hereby approved shall not be occupied until the parking has been provided in accordance with the approved drawings. The parking area shall thereafter be retained and kept available for the parking of motor vehicles.

Reason: In order to ensure that the site is provided with sufficient parking in accordance with the NPPF, Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy TRANS1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### **6. Cycle Storage**

The extension hereby approved shall not be occupied until details of motorcycle parking and cycle storage to be provided on the site have been submitted and approved under a formal discharge of conditions application. The development shall not be occupied until the motorcycle parking and cycle storage have been provided in accordance with the approved details. The motorcycle parking and cycle storage shall be retained and kept available for the parking of cycles and motorcycles thereafter.

Reason: To ensure that the site is provided with sufficient storage for cycles and motorcycles to reduce reliance on the private motor car in accordance with the NPPF and Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### **7. Electric vehicle charging points**

The approved extension shall not be occupied until details of electric vehicle charging points have been submitted and approved under a formal discharge of conditions application. The electric charging points shall be installed in accordance with the approved details and shall be retained for charging electric vehicles thereafter.

Reason: In order to facilitate the increased use of electric vehicles in order to reduce reliance on other fuel sources and in order to provide a sustainable form of development in accordance with the requirements of the NPPF and Policy P1 of the West Berkshire Housing Site Allocations DPD (2017).

### **8. BREEAM**

The extension hereby approved shall not be taken into use until a post construction review demonstrating that the extension has achieved a BREEAM "Excellent" standard of construction has been submitted and approved under a formal discharge of conditions application.

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Reason: In order to meet with the requirement for sustainable construction in accordance with the NPPF and Policies CS14 and CS15 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### **9. Hours of construction work**

No work relating to the extension hereby approved, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or public holiday.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### **10. Noise from mechanical plant**

The sound rating level (established in accordance with BS4142:2014) of any plant, machinery and equipment installed or operated in connection with this permission, shall not exceed, at any time, the prevailing background sound level at the nearest residential or noise sensitive property.

Reason: In the interests of amenity of residential occupants and hotel guests in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### **11. SuDS**

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development.

The above sustainable drainage measures shall be implemented in accordance with the approved details 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

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condition, or before occupation of the first dwelling on the site in the event that such a timetable is not submitted. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Systems SPG (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.

### Heads of Terms for Section 106 Agreement

#### 1. Maximum number of hotel bedrooms on the site

The terms of the Section 106 agreement shall secure that no more than 123 hotel bedrooms are provided on the racecourse site.

### Refusal Reasons

#### 1. Planning obligation

The application fails to provide an appropriate planning obligation to prevent the overprovision of hotel bedrooms in a non-town centre location without adequate justification. The application is not accompanied by sufficient information or a sequential test to demonstrate that it would result in provision of hotel accommodation (a town centre use) in an appropriate location and at a justified amount. Furthermore, due to the extant consent for a 123 bedroom hotel on the racecourse site the proposed works would result in an over-provision of hotel accommodation in this location without justification of local need. The proposed works are therefore contrary to the requirements of paragraph 84 of the National Planning Policy Framework and Policy CS9 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, requiring that proposals for new business development should not conflict with existing uses.

### 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.

### 51. Appeal Decisions relating to Western Area Planning Committee

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

*(The meeting commenced at 4.30 pm and closed at 9.35 pm)*

**CHAIRMAN** .....

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