

# **WESTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 13 OCTOBER 2021**

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

**Also Present:** Paul Goddard (Team Leader - Highways Development Control), Jack Karimi (Democratic Services Officer), Cheyanne Kirby (Planning Officer), Kim Maher, Masie Masiwa (Senior Planning Officer), Gordon Oliver (Principal Policy Officer) and Simon Till (Principal Planning Officer (Team Leader))

**Apologies for inability to attend the meeting:** Councillor Tony Vickers

### **PART I**

In the absence of Councillor Tony Vickers, a temporary Vice Chairman was appointed for the duration of the meeting under Rule 7.6.2.

The Chairman proposed that Councillor Hilary Cole be elected as Vice Chairman. This was seconded by Councillor Clive Hooker, and approved.

#### **20. Minutes**

The Chairman noted that Councillor Lynne Doherty was not present at the meeting on 1 September 2021 but had been marked present. The amendment was accepted.

Subject to this amendment, the Minutes of the meeting held on 1 September 2021 and the Minutes of the meeting held on 22 September 2021 were approved as true and correct records and signed by the Chairman.

#### **21. Declarations of Interest**

Councillors Adrian Abbs, Phil Barnett and Andy Moore declared a personal interest in Agenda Item 4(2). As their interests were personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### **22. Schedule of Planning Applications**

##### **(1) Application No. and Parish: 21/01519/FUL, Land West Of Pumping Station, Enborne Row, Wash Water, Enborne**

*(The Chairman declared that he had been lobbied on Agenda Item 4(1))*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/01519/FUL in respect of Land West of Pumping Station, Enborne Row, Wash Water, Enborne. Approval was sought for: 1. Construction of stabling and hard standing; 2. Change of use from agricultural to a mixed agricultural/equestrian use; 3. Soft landscaping scheme.
2. Miss Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning

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considerations. In conclusion, the report detailed that the proposal was acceptable in planning terms and officers recommended that Subject to the receipt of satisfactory amended drainage information to delegate to the Service Director, Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below OR, in the event that satisfactory additional information on drainage is not provided within 3 months of the date of this meeting (or such longer period as to be agreed in writing by the Development control Manager in consultation with the Chairman of the Committee) to refuse the application for the following reason:

*“The application is not accompanied by sufficient information to determine that drainage and flood risk on the site can be addressed through implementation of an adequate strategy of onsite drainage measures. Therefore the application fails to meet with the requirements of the National Planning Policy Framework, Policy CS16 of the West Berkshire local Plan Core Strategy 2006-2026, which requires development to be safe and not increase flood risk elsewhere and to manage surface water in a sustainable manner through the implementation of SuDS, and the recommendations of the West Berkshire Sustainable Drainage Systems (SuDS) Supplementary Planning Document (2018).”*

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 had been refused previously on Highways grounds, and that there was concern over vehicle speeds on the road. However, as the sight lines on the road were very good, there were no Highways concerns on this occasion.
4. In accordance with the Council’s Constitution, Mr Sam Eachus, agent, addressed the Committee on this application. The Chairman noted that a representative of the Parish Council had wanted to address the committee on this application, but had missed the notification deadline. Also, he also noted that Ward Member, Councillor James Cole, was unable to attend the meeting.

### **Agent Representation**

5. Mr Sam Eachus in addressing the Committee raised the following points:
  - Mr Eachus was present on behalf of the applicant, Mr David Wood.
  - In regards to grazing needs, the guidelines were for horses, not for ponies, and were only guidelines. The size and health of the horse were factors, and the two ponies could get their nutritional needs on the land. Mr Eachus believed
  - In regards to highways, Mr Eachus noted the lack of objections, and that sightlines were very good. The Highway Code does not prohibit children from riding animals on B-roads, and drivers could safely navigate around them. Children would be wearing helmets, in high-visibility clothing, and in the presence of an adult.
  - The road in question was regularly used by equestrians, and it was not uncommon in rural areas.
  - Mr Eachus noted the visual quality of the land after it had been purchased by the applicant, and that the applicant was interested in keeping it visually attractive.

### **Member Questions to the Agent**

6. Councillor Andy Moore asked whether the applicant would be willing to accept a condition that limited them to solely keeping ponies on the land. Mr Eachus responded that he believed the land was large enough to manage grazing needs for horses as well as ponies, and so such a condition was unnecessary.

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### **Ward Member Representation**

7. The Chairman in addressing the Committee as Ward Member raised the following points:
  - The previous application was refused for reasons of overdevelopment of the site, but this had been adequately addressed by virtue of the application being for a larger area of land, and for grazing that was not year-round.
  - Highway safety remained an issue, with vehicles passing the site at speeds of up to the national speed limit, and as the ponies kept would be for children. It remained a primary concern.

### **Member Questions to the Ward Member**

8. Councillor Phil Barnett recalled occasions where the River Enborne had risen to the highest point of the bank, and asked whether it had gone any higher in the vicinity of this site. The Chairman responded that he did not know. He noted that the Highways Drainage Officer had commented and the matter was mentioned in the update sheet.

### **Member Questions to Officers**

9. Councillor Adrian Abbs noted mention of Policy CS15, but he did not know if there was any lighting on the development that would have carbon implications, and that he had not heard anything about biodiversity on the site. Mr Simon Till responded that the proposed development was not liable for BREEAM nor Zero Carbon under the policy. If the applicant was to propose sustainable energy generation then they would be accepted, but they could not be compelled to provide them. Councillor Abbs asked whether the application presented a shortcoming in Policy CS15, to which Mr Till agreed, noting that the policy was written in 2012, and there had been changes in national policy in the period since its adoption. He suggested that this could be addressed within the new Local Plan. Ms Cheyanne Kirby confirmed that Ecology had been consulted, but did not reply on this application. She did not feel that there was not enough in the application to warrant seeking significant biodiversity net gain, and clearing the site of rubbish was considered a benefit. She noted that there was a condition regarding external lighting due to its position on the edge of the AONB and its potential effect on bats.
10. Councillor Phil Barnett noted that the speed limit near to the development was 60 mph, and asked whether there were plans to change it. Mr Goddard confirmed that the national speed limit was in place past the site and had sight lines of 215 metres. He noted that a short distance to the east, the speed limit reduced to 30 mph. He was not aware of any planned changes.
11. Councillor Carlyne Culver asked if there were any concerns related to horse waste, and any arrangement or condition relating to dealing with it, citing concerns about nitrates in watercourses. Mr Till responded that there was a recommended condition in the update sheet relating to storage and disposal of horse waste.
12. Councillor Jeff Cant asked whether the Highways concern related to the safety of the site access rather than safety of riding on the road. Mr Goddard responded that Highways looked at both aspects and considered safety requirements to be met due to the good sight lines.
13. Councillor Moore asked whether a condition limiting the site to ponies would be feasible. Mr Simon Till responded that he did not believe it was in the remit of Planning to limit which type of animal was kept, and would not be judged reasonable.

### **Debate**

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14. Councillor Adrian Abbs opened the debate by noting that Policy CS15 must be taken to account, and that all non-residential developments were required to achieve BREEAM 'Excellent' and be Zero Carbon. Councillor Abbs also questioned whether tidying up the land was beneficial for biodiversity, since undisturbed land brought benefits for wildlife. Mr Till stated that BREEAM did not apply to this building, since it was not designed to accommodate people.
15. Councillor Jeff Cant noted that this was a small rural business wishing to introduce a small change to its business model. He did not believe there was any reason to refuse the application.
16. Councillor Hilary Cole noted that her animal welfare concerns from the previous applications had been addressed by a doubling of the size of the site. She was satisfied with the explanations in relation to BREEAM. She felt that it would be an unreasonable condition to say that only ponies could be kept on the site. She was also content with the explanation from Highways on sight lines and felt that motorists needed to be cognisant of horses.
17. Councillor Phil Barnett agreed that previous concerns relating to animal welfare and the site access had been addressed.
18. Councillor Clive Hooker noted from the site visit that there had been a considerable improvement in the quality of the grass in the original paddock, and he felt that the larger site would be capable of taking two ponies, so his concerns had been addressed. Councillor Hooker noted that there had been a gate at the bottom of the field, which was closer to the bridleway to the west of the site, but Highways had asked for this to be closed off.
19. Councillor Jeff Cant proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Hilary Cole.
20. The Chairman invited Members of the Committee to vote on the proposal by Councillor Jeff Cant, seconded by Councillor Hilary Cole to grant planning permission. At the vote the motion was carried.

**RESOLVED that** the Service Director - Development and Regulation 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 (updated)**

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

Design and Access Statement dated May 2021 received 1st June 2021;

Block Plan 2515/18 received on 12<sup>th</sup> July 2021;

Proposed Elevations and Floor Plan 2515/2 received 1<sup>st</sup> June 2021;

Fencing Details 2515/4 received 28<sup>th</sup> June 2021;

Location Plan 2515/6 received 22<sup>nd</sup> June 2021;

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Section/Level 2515/5 received 1<sup>st</sup> June 2021;

Soft Landscaping 2515/38 received 12<sup>th</sup> July 2021;

Proposed Access Details 2515/7 received 5<sup>th</sup> August 2021;

Justification Statement KCC3134/pg received 30<sup>th</sup> September 2021;

Flood Risk Assessment and Drainage Strategy Issue 3 7751 Dated April 2021 received 1<sup>st</sup> June 2021 [to be updated to reflect additional drainage information once approved by drainage engineer].

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 application form.

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

### **4. Parking/turning in accord with plans**

The use shall not commence until the vehicle parking have been surfaced, and provided in accordance with the approved plan(s). The parking shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, 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).

### **5. Access Closure with reinstatement**

The existing western vehicular access at the site shall be stopped up and abandoned immediately after the eastern access hereby approved has been brought into use.

The verge shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

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

### **6 Environment Agency**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water

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pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

### **7. SUDS (Updated)**

The development shall not be brought into use until drainage measures have been implemented in accordance with the details shown on drawing numbers [to be agreed by the drainage engineer prior to approval being granted]. The 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. This condition is imposed in accordance with the National Planning Policy Framework, Policy CC1, CC2 and NRM4 of the South East Plan (May 2009), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

### **8. Landscaping**

All landscape works shall be completed in accordance with the submitted plans, ref: Soft landscaping –planting schedule ref: 2515/38 received on 12<sup>th</sup> July 2021. The approved landscaping plan shall be implemented within the first planting season following completion of development.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **9. Private equestrian use only**

Irrespective of the provisions of the Town and Country Planning (Use Classes) Order 2015 (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 and shall not be used for any other purpose including commercial riding, breeding, training or liveryes.

Reason: In the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Supplementary Planning Document Quality Design (June 2006).

### **10. Number of horses**

No more than 2 horses shall be stabled on the site at any one time and additional horses shall not be bought onto the site at any one time.

Reason: To limit the level of activity on the site as a means to protect the rural character of the area due to the limit amount of land available. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14

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and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 11. Use of stables

No trade, business or commercial use of any kind shall be carried out from the stables and parking area permitted in this scheme.

Reason: In the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 12. Manure/waste skip (Additional)

The waste skip shall be kept covered at all times except to allow loading in order to prevent rainwater ingress so as to reduce risk of contaminated liquid leaking out.

Reason: To ensure that no contaminated liquid escapes in order to prevent pollution into the ground and nearby river. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1 and CS16 and CS17 of the West Berkshire Core Strategy 2006-2026, and Sustainable Drainage Systems SPD (2018).

### Informatives

1. DEC3 - 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. HI 3 - 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. HI 4 - The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

### (2) Application No. and Parish: 21/01038/HOUSE, 1 Croft Road, Newbury Wash Common

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(2) by virtue of the fact that it was situated within his ward. 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.)*

*(Councillors Phil Barnett and Andy Moore declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were members of the Planning and Highways Committee on Newbury Town Council. As their interests were 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 Adrian Abbs, Phil Barnett, Jeff Cant and Carlyne Culver declared that they had been lobbied on Agenda Item 4(2).)*

21. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/01038/HOUSE in respect of 1 Croft Road, Newbury Wash Common.

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Approval was sought for a two storey extension to the side and a single storey extension to the rear.

22. Mr Masie Masiwa, 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 Service Director – Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
23. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that Highways were satisfied that the three car parking spaces in front of the property would be maintained.
24. In accordance with the Council's Constitution, Mr Nigel Foot, Newbury Town Council, Mr Graham Coldman and Mr Colin Gillah, objectors, Mr Jonathan Jarman, agent, and Mrs Karen Redford, applicant, addressed the Committee on this application.

### **Town Council Representation**

25. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
  - The application had come before the Town Council's Planning and Highways Committee on 1 June 2021. On that occasion, the Town Council did not comment on the application due to the conflicting information from the applicants and the neighbours, and felt that it should be decided by the Planning Officers, acknowledging the real concerns of neighbours.
  - He had attended the site visit on 7 October 2021. The main concern with the site was the topography. The properties at 37 and 39 Wendan Road were considerably lower than the property at 1 Croft Road.
  - The architect's model shown at the site visit had been useful in getting an impression of the mono-pitch roof.
  - The view of the Town Council was that the Planning Officers should decide. He noted that Officers had no objections, subject to the implementation of the stated conditions. However, Mr Foot believed that the proposed roof was too high, and should be reduced.

### **Member Questions to the Town Council**

26. Councillor Adrian Abbs asked why the Town Council believed the roof was too high. Mr Foot responded that it was his perception from the site visit that it was too high, and that the light survey had not indicated cause for concern. He was particularly concerned about the view from 39 Wendan Road.
27. Councillor Hilary Cole noted that Mr Foot had expressed his personal views rather than those of the Town Council in relation to the height of the roof. Councillor Abbs responded that Mr Foot was present to express an opinion on behalf of the Town Council, and that was what he had said.

### **Objector Representation**

28. Mr Graham Coldman in addressing the Committee raised the following points:
  - Mr Coldman had no objection to the owners of 1 Croft Road extending their home to meet their needs. However, he objected to the design of the proposed extension, which he believed did not follow the guidelines set out in the

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Supplementary Planning Guidance, and would adversely affect the lives of those in neighbouring properties.

- The rear extension was over seven metres long and he did not believe that it was not subservient to the main house, and it would unnecessarily endanger a mature tree at 39 Wendan Road.
- The mono-pitched roof was effectively a first floor extension, and was 4.8 metres tall with an effective height of 6m relative to his living room. It would project above the fence and would be overbearing on neighbouring properties.
- Proposed west-facing windows were far less than the 21 metres distance from neighbouring rear-facing windows, and may be over the fence line.
- He felt that amending the design to meet the SPG would not greatly hinder the provision of improved access on the ground floor as sought by the applicant.

29. Mr Colin Gillah in addressing the Committee raised the following points:

- He was a Fellow of the Royal Institution of Chartered Surveyors and had been practising in the area for over 25 years.
- The owners of 3 Croft Road were the closest neighbours, and would be most greatly affected by the development. He called on the Committee to refuse the application.
- The extension was over seven metres long, and was described as single-storey, but the design included a five metre long continuous glazing at first-floor level, facing 3 Croft Road. The extension height rose to 4.8m and the flat roof section was 2.8m high and just over 1m from the boundary fence with windows projecting above the fence. In the space between the extension and the boundary, a new window was proposed in the rear wall of the house, which would also be higher than the fence. The glazing would reduce privacy and add to light pollution, impacting on the residential amenity of the neighbours, as evidenced at the site meeting.
- The Supplementary Planning Guidance on house extensions appeared to have been ignored, specifically in relation to the effect on neighbouring properties and the lack of sunlight and daylight. A single storey extension should not project beyond a line drawn 60° from the middle of the neighbour's nearest ground floor window, but this extended to 70°. Due to the glazing at first floor level, the extension should be considered as two-storey, which would limit its projection to 45°, but the proposal extended to 48°. This meant that it failed to satisfy the requirements of the SPG on both ground and first floor levels.
- The applicant relied on a specialist's report, which argues there will be no significant loss of sunlight, but this report stated that there would be an 18% loss of sunlight, 20% in the winter. He considered this to be a significant figure, making the living room of the neighbouring property darker.
- The proposal to extend the fencing represented an increase of 20 inches, which would affect the residential amenity of the neighbouring property.
- He also had other reservations about the design of the proposal and its dominating nature, and expressed concern about incorrect dimensions.
- He urged Members to refuse the application.

### **Member Questions to the Objectors**

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30. Councillor Abbs noted Mr Gillah's concerns about the height of the proposed extension and asked whether he would reach the same conclusion if there was a flat roof. Mr Gillah responded that the projection of the building, the proximity of the boundary and the height of the windows would still be very close to his client's property and would be dominating.

### **Applicant and Agent Representation**

31. Mrs Karen Redford, applicant, in addressing the Committee raised the following points:
- Mrs Redford explained that she had suffered from rheumatoid arthritis for 25 years and had undergone joint replacement surgery and had periods of wheelchair use.
  - When her family had moved into the house 6 years ago, they had noted that a number of extensions had been built on properties in the area, including the immediate neighbour. They had believed that if they needed an extension, it would be relatively simple since a precedent existed for a single-storey extension next-door.
  - She was now suffering with heart failure and needed to reorganise the ground floor of the property and create an accessible bathroom, since she found it extremely difficult to get upstairs to use the first floor bathroom.
  - She did not feel that they were asking for anything extraordinary or that had not already been done. She was simply seeking extra space to accommodate her current needs and improve her quality of life, as well as future-proofing the property to meet her anticipated health needs.
32. Mr Jonathan Jarman, agent, in addressing the Committee raised the following points:
- The proposed extension was a necessary improvement and was needed to secure Mrs Redford's health, safety and comfort.
  - No objection had been made to the principle of development and officers recommended approval.
  - Concerns had been raised in respect of design and amenity impacts.
  - The design of the proposed side-extension was similar to that of the adjoining house, it was in keeping with the local form, and benefitted the pair of semi-detached houses.
  - The proposed rear extension was less conventional due to its proposed roof form, but that was not the same as harm. It would project 7m from the back of the house and 6m from the rear of the kitchen. It would only be 1.7 metres beyond the neighbouring extension. It was stepped in from the shared boundary and at its closest point measured 2.8m in height, As such, it was only partially visible above the fence line and not to the extent that it would be harmful.
  - Concern had been raised about light-spill and overlooking from the side element of the roof towards 3 Croft Road, but the windows were above head height and could not reasonably be considered to have an impact.
  - Windows on the side elevation facing properties on Wendan Road were also stepped in from the boundary and the height of the windows would be 1.7m, so would be below the fence line. There was also separation between the property and 39 Wendan Road via the 10m garden.

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- A professional report into impacts on daylight and sunlight amenity had been commissioned and concluded that there would be sufficient safeguarding of daylight and sunlight for neighbouring properties.
- In conclusion, the proposal would have an acceptable impact on the character of the area and would not have a significant adverse impact on residential amenity of neighbouring properties. Therefore, he urged the Committee to accept Officers' recommendation.

### **Member Questions to the Applicant and Agent**

33. Councillor Howard Woollaston asked why the application had been made with such a high roof. He believed that the side extension itself would not raise objections and noted that it mirrored that of the neighbouring extension. He also felt that the rear extension was similar to others in the local area, but the height of the mono-pitch roof concerned him. Mrs Redford responded that the designer had been tasked with proposing something that was aesthetically beautiful, and that sunlight was needed in the extension, which would be difficult without the mono-pitch roof due to proximity of other windows to the boundary fence.
34. Councillor Abbs asked if the numbers in the light report were based on the present application. Mr Jarman responded that they were.

### **Ward Member Representation**

35. Councillor David Marsh in addressing the Committee raised the following points:
- Councillor Marsh was supportive of the application.
  - He had visited nearby properties and listened to the concerns of neighbours, but, taking everything into account, believed that the application had adequately addressed the concerns raised.
  - He believed the design to be attractive, as well as addressing the long-term needs of the Redford family.
  - The proposal would lead to an improvement to the front aspect of the property, matching the extension of No. 3, while still retaining the required parking.
  - The rear extension was a subjective matter. Objectors did not like the design, but Councillor Marsh did like it and considered it an improvement on the existing garage. Windows that currently overlooked adjacent properties would be lost as part of the development. He did not consider it intrusive.
  - In terms of loss of sunlight and daylight, there would be a minimal effect on neighbouring properties.
  - Most of the features of the proposal had been designed to meet the needs of Mrs Redford and her family, including wheelchair access and an upgraded ceiling structure to enable a hoist to be installed.
  - Councillor Marsh believed that the Council should be proud to support such an imaginative design that would transform the lives of the Redford family, without having a significant adverse impact on amenity for adjacent properties.

### **Member Questions to the Ward Member**

36. Members did not have any questions of clarification.

### **Member Questions to Officers**

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37. Councillor Jeff Cant agreed that the principle of the extension was fine, but the roof was unusual in design and a matter of taste. He asked if there was any specific Planning grounds to refuse planning permission based on the design of the roof. Mr Masie Masiwa responded that the design was contemporary, but not unusual, and that it was functional in terms of allowing light into the space. The mono-pitch roof was considered better than an expansive flat roof extension. The maximum height of the roof would be 4.2m and the roof sloped away from the boundary with the properties on Wendan Road, so Planning did not consider there to be a significant adverse impact on the neighbouring properties that would warrant refusal of planning permission.
38. Councillor Carolyne Culver asked whether the foundations of the proposed extension would impact on the neighbouring fencing. Mr Simon Till responded that this was not a material planning consideration and was a matter that was covered by Party Wall Act and Building Regulations and so was outside of the remit of Planning.
39. Councillor Andy Moore asked if the fence to the west was part of the planning application, and if so was the fence height covered in the conditions. Mr Masie Masiwa responded that it was not part of the application, although there was a proposal to partly replace the fence to the east, and the applicant had proposed a new fence on their side of the boundary. Councillor Moore asked if maintenance of the fence between the property and neighbouring properties on Wendan Road could be the subject of a condition. Mr Masiwa confirmed that there would be no issue with overlooking so long as the fence was maintained and there was no reason to believe that the fence would be removed. Mr Simon Till responded that the owner of the neighbouring properties would have every right to maintain the boundary of their property.

### Debate

40. Councillor Abbs opened the debate by stating that the Committee fully sympathised with Mrs Redford's position, but he was also mindful that there were concerns expressed by neighbours. He noted that one reason for the height of the roof was to let light into the extension, but suggested that there were other ways to achieve this, without introducing challenges for neighbours. He indicated that the style of the proposal was not in keeping with the area and there were other flat-roofed extensions in the area. He suggested that it was challenging to accept the application.
41. Councillor Hilary Cole stated that the design of the application could not be changed 'on the fly'. She stated that the Committee was being asked to arbitrate in a neighbour dispute, and that this could have been determined by officers. She liked the design, but acknowledged that this was subjective. From the front, she felt that the side extension would balance the properties. She considered that the issue of fencing was not relevant and owners could plant trees and shrubs that would grow higher than 2m.
42. Councillor Clive Hooker had no issue with the side extension. He acknowledged that the wall would be on the property boundary, but that was not a planning matter. He had some sympathy with the concerns of neighbours at No. 3 Croft Road regarding the roof and glazing. He also sympathised with the neighbour at No. 39 Wendan Road, which was much lower, and the roof of the proposed extension would cover most of their garden. He believed that it was an unnecessary elevation, and that it would cause harm to the neighbouring properties. He considered that options such as roof lanterns or setting the wall back from the boundary would help to address concerns. He felt that it would cause harm to neighbours at NO. 29 Wendan Road.

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43. Councillor Phil Barnett noted that the second site meeting had allowed consideration of the impact of the proposed development on neighbouring properties, which put a different complexion on the application. Councillor Barnett believed that the neighbouring properties on Wendan Road would be affected by the closeness of the boundary and the sunlight impact. He did not consider there would be significant sunlight impacts on No. 3 Croft Road, but there would still be a visual impact. However, he also noted that there was a necessity for the application with clear benefits for the residents. He indicated that his vote was very much in the balance.
44. The Chairman appreciated that it was a subjective issue. He acknowledged the impact on neighbouring properties, but felt that the slope of the roof would reduce this.
45. Councillor Howard Woollaston did not believe this was the right place for modern architecture, and felt that the design had been proposed on a whim. He appreciated the applicant's medical issues and had no problem with the proposed footprint of the extensions, but he considered the roof to be unacceptable.
46. Councillor Jeff Cant reiterated the point made by Mr Masiwa, that officers saw no valid planning grounds to reject the application on design grounds. Councillor Cant asked that if the application was refused, valid planning reasons needed to be given.
47. Mr Till clarified that officers had given a view that the development would meet the requirements of the SPG and Policy CS14 in terms of quality design. If the Committee took an alternative view from the officers on this matter, design could be a material planning consideration for doing so.
48. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Jeff Cant to grant planning permission. At the vote the motion was carried.

**RESOLVED that** the Service Director - Development and Regulation 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:

Drawing numbers: 12; 13; 16; 18 received 14<sup>th</sup> April 2021

Amended Drawing numbers: 2A; 11; 14; 15; 17; received 30<sup>th</sup> July 2021

Plan with Fence Details received 14<sup>th</sup> April 2021

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

#### **3. Materials**

The materials to be used in the development hereby permitted shall be as specified on the plans and the application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

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Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

### **4. No further openings on western elevation**

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 windows or dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and C of that Order shall be constructed above ground floor level on the western elevation of the extension hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of the neighbouring dwellings on Wendan Road, in the interests of safeguarding the privacy of the occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

### **5. Use of flat roof**

The flat roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason: To prevent the overlooking of the neighbouring property at 3 Croft Road, in the interests of safeguarding the privacy of the occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

### **6. Hours of work**

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 neighbouring residential dwellings. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### ***Informatives***

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. - To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.

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- In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
  - Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
  - To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
  - If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil.
  - If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.
  - If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.
3. You are reminded of your duties under the Party Wall Act 1996. You are legally required to tell your neighbour if you want to: (1) build on or at the boundary of your two properties, (2) work on an existing party wall or party structure, or (3) dig below and near to the foundation level of their property. Your neighbours can't stop you from making changes to your property that are within the law, but they can affect how and when your works are carried out. Procedures under this Act are separate from the need for planning permission and for building regulations approval. Further guidance is available at: <https://www.gov.uk/party-walls-building-works/work-tellyour-neighbour-about>

### **(3) Application No. and Parish: 20/01264/FULMAJ, Fognam Farm, Upper Lambourn**

*(The Chairman and Councillor Howard Woollaston declared that they had been lobbied on Agenda Item 4(3).)*

49. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/01264/FULMAJ in respect of Fognam Farm, Upper Lambourn. Approval was sought for Equine pre-training, rest, rehabilitation and recuperation facility for racehorses, including removal of existing building, erection of new three bedroom managers house, garage store building with overnight/temporary accommodation above, conversion of existing building to form 28no. stables, new horse walker, new lunge pen, all weather turn out and canter track and associated parking and landscaping.
50. Mr Masie Masiwa, 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 Service Director – Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

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51. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the access was sufficiently wide, and sight lines on to the B-road were satisfactory. Speed surveys near the site access found that travel to the east required 126 metres of sight, and 123 were provided, and travel to the west required 118 metres of sight, and 110 were provided. This is considered insufficient, but not significant enough to cause an issue. Also, traffic generation was not considered significant enough to cause an issue.
52. In accordance with the Council's Constitution, Ms Vicky Rieunier, Hungerford Town Council, Mr Charles Lochrane, objector, and Mr James Fraser, agent, addressed the Committee on this application.

### **Parish Council Representation**

53. Ms Vicky Rieunier, Lambourn Parish Council, in addressing the Committee raised the following points:
- Lambourn Parish Council was objecting on the basis that there were not adequate protections in place for the North Wessex Downs AONB and the Fognam Chalk Quarry SSSI, and there was a lack of information regarding the site (e.g transport survey and design and access statements).
  - Natural England's consultation response stated that the AONB partnership or conservation board should be consulted. However, the document provided to the Committee did not contain any such consultation response, although she was aware that the AONB had had responded and raised concerns that had not been addressed.
  - The NPPF stated that great weight should be given to conserving landscape and scenic beauty in AONBs, and also that the Committee were required not only weigh all material considerations in a balanced manner, but to refuse an application unless there were exceptional circumstances and it can be demonstrated that despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development was in the public interest.
  - The application should be considered a major development, and the, Parish Council believed that the policy tests relating to exceptional circumstances had not been satisfied, including assessment of alternative circumstances. Additionally, it had not been demonstrated that the development was in the public interest.
  - Substantial rationale should be provided in the event that the application was approved for development.
  - A previous application had been agreed, but was not developed. The Parish Council requested that a similar condition be imposed regarding temporary accommodation for staff and managers for a maximum of three years. The Parish Council asked that a similar condition be applied to this application in the event that it was approved.
  - A statement justifying the use of outdoor lighting for the intended purpose, and steps taken to reduce impact, should be provided considering the proposal of outdoor lighting in a Dark Skies area.
  - The Parish Council had a major concern in relation to the significant increase in traffic. This would be an issue due to poor visibility and blind bends, and large horse transporters would need to come almost to a stop to make the turn. Drivers take these bends quickly, and there was the potential for serious accidents.

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- A pre-training yard was not for horses that were actively racing, but was designed to get young horses used to being saddled. It would not need access to specialist facilities, such as gallops, and so it could be located anywhere. There were no extenuating circumstances requiring it to be placed at this site in the AONB next to the SSSI.
- The Parish Council considered the development to be unsuitable and the harm done to the AONB was not outweighed by other considerations. They urged Members to reject the application.

### **Member Questions to the Parish Council**

54. Councillor Hilary Cole noted that the Parish Council had put a lot of emphasis on the AONB and SSSI, but asked whether they had given consideration to Policy CS12. Ms Rieunier confirmed that they had.
55. Councillor Hilary Cole then asked whether the Parish Council was more supportive of the AONB than the horse racing industry. Ms Rieunier responded that the Parish Council had, and had taken a balanced approach. They felt in this case that the AONB should be an important consideration.
56. Councillor Hilary Cole indicated that she would be very surprised if the Planning Officers had neglected to report comments by the AONB, and it was not unusual for them not to comment on planning applications.

### **Objector Representation**

57. Mr Charles Lochrane in addressing the Committee raised the following points:
  - Mr Lochrane explained that he was a Fellow of the Royal Institution of Chartered Surveyors specialising in commercial development for over 40 years.
  - He had highlighted many errors relating to the technical reports for this proposal.
  - The Transport Statement and Access Design were particularly concerning and Mr Lochrane regarded them to be dangerous. The document used 40 year old traffic movement assumptions, and traffic data from the middle of winter three years ago when speeds would be reduced. It produced an access design acknowledged to be inadequate, but was accepted by Highways due to the small number of traffic movements. This ignored the fact that, a significant number of these traffic movements would be slow-moving horse transports.
  - Visibility displays in the designs were acknowledged as inadequate, but had been accepted due to the flawed traffic data.
  - Compliance with Condition 17 relating to traffic would be impossible due to the fact that roads mentioned are either public highways or not under the ownership of the applicant.
  - The Transport Statement denied that Fognam Corner was a blind bend when it clearly was.
  - The agent's justification report had been redacted, and required a Freedom of Information request in order to extract the information. The pre-application advice had been that the application needed to be supported by a strong business case, demonstrating need, financial viability and justifying any accommodation. No strong business case had been made. The agent had made a strong equine management case but had failed to provide a justification for such a specialist equine management facility two miles outside of the village, when there were alternatives on the market within the village.

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- The business projections were based on an assumption of 100% occupancy, and estimated a net profit of £35,000. However, there was no provision for cost of capital, site costs or an equity return, and it significantly underestimated the business rates and rental costs. These changes would eliminate any potential profits and would result in a substantial loss.
- Mr Lochrane had presented his own financial appraisal of the business case to Planning Officers. He estimated the cost of developing the facility to be £1.9 million. Taking the applicant's forecast at face value, the business would make a loss of £100,000 before any return on equity. Therefore the application had failed to provide a robust business case.
- He also highlighted errors and omissions in the Officer's recommendation. The report stated that that no comment had been received from the North Wessex Downs AONB, but they had confirmed that concerns had been raised by their team in relation to the position of the canter track, the level of the external lighting and the size of the manager's house. The report indicated that the house had been reduced in size as part of the redesign, but it had actually increased in size from 1,800 sq.ft to 2,200 sq.ft.
- Moving staff accommodation to the permanent flat over the garage had increased residential accommodation by over 45% and there was no mention of the existing asbestos issues and there were legal duties around its management and disposal. Existing conditions were inadequate in this respect and he proposed a separate condition to cover this.
- He suggested that Conditions 4 and 5 must be covered by a S106 Agreement.
- He noted that the applicant had indicated that all technical and design issues had been addressed sufficiently to satisfy policies, but many significant deficiencies remained and neighbours did not share Officers' confidence. Other objectors were concerned about an unwarranted and unjustified incursion into the AONB and the precedent this would set. There was no support for this application from the community.
- He suggested that Planning needed to balance economic desirability with other factors and planning policy was there to guide rather than regulate.

### **Member Questions to the Objector**

58. Members did not have any questions of clarification.

### **Agent Representation**

59. Mr James Fraser in addressing the Committee raised the following points:

- The application was a result of detailed discussions with Planning Officers, and significant work had been undertaken to address concerns that had been raised, resulting in significant changes from the original pre-application submission.
- Changes to the house design had been made to reflect comments and reduce impact on the North Wessex Downs AONB.
- Changes to the staff accommodation had been made, reducing the number of units on the site.
- The canter track had been reoriented.
- A number of ecological and landscape improvements had been proposed to ensure a biodiversity net gain, including tree and hedgerow planting, bat and bird

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nesting boxes, and a wild meadow planting. This provided a one hectare buffer between the site and the SSSI.

- A detailed external lighting design had been provided to ensure compliance with the Dark Skies policies and retain dark corridors for wildlife. No lighting was proposed for the canter track.
- A revised surface water drainage scheme and strategy had been proposed to address concerns regarding ground water flooding and ensure that a robust SuDS scheme was provided.
- All aspects of the scheme had been reviewed by representatives of the Council, AONB, Natural England, Environment Agency and Thames Water. Following the changes, all consultees found the application acceptable.
- The number of local residents who had raised objections had reduced, with one direct neighbour withdrawing their objection.
- The proposal was supported by the Jockey Club and the Lambourn Racehorse Trainers' Association, since it supported the local racehorse industry in line with Policy CS12.
- Officers had proposed a significant number of conditions, which was not uncommon and provided the Council with necessary reassurance and control to ensure the scheme would be delivered as intended.
- During the site visit, a number of points had been made regarding ecology and sustainability. Working with the Council's Ecologist, a scope for ecology, landscape and habitat improvements that met or exceeded policy requirements. The development was not covered by existing Council policies on sustainability but the residential elements would be comply with the latest building standards to control energy consumption and generation. Elsewhere, an existing barn would be reused and this could potentially accommodate solar panels.
- The revised proposal was felt to be a better, more integrated scheme than the original.

### **Member Questions to the Agent**

60. Councillor Adrian Abbs asked whether Policy CS15 had been addressed within the application. Mr Fraser responded that the commercial element did not fall within the scope of Policy CS15, but the residential element would comply with Policy CS15, and that they would be willing to achieve a Zero Carbon standard. Mr Simon Till noted that there is an absence of national policy requiring sustainable energy for minor residential development, and that the request made by Councillor Abbs went further than Policy CS15's requirements. Councillor Abbs accepted that, noting that he had merely asked the agent whether they were aware and willing to follow the intent of Policy CS15.

### **Ward Member Representation**

61. Councillor Howard Woollaston in addressing the Committee raised the following points:

- He felt it to be a finely balanced decision.
- He had been lobbied heavily by the applicant and local objectors, and sought to set out the advantages and disadvantages for the Committee.

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- On advantages, Lambourn was the second most important racecourse training area in the UK, with 1,800 horses under training. It provided £25 million to the local economy, and was the ward's most significant employer. The existing semi-derelict barn was considered to be an eyesore, and the proposed development would improve its appearance. The access proposed would be greatly improved, and protected the SSSI.
- On disadvantages, there was not a proven business case, noting that the location of the development was some distance from the main training grounds. There would be a significant noise and appearance impact on local residents, and a danger of increased light pollution in a Dark Skies area and it was within the AONB.
- North Wessex Downs AONB Team was seriously under-resourced, and so the lack of a formal objection should not lead to the conclusion that there were no concerns.
- He was concerned about the sight line issue, noting that there were two blind bends in the road with high traffic speeds. A horse box turning in or out of the site could be extremely dangerous.
- The applicant had gone to great effort to address issues that have been raised with the application (e.g. run-off, odours, removal of horse dung and access issues).
- He expressed doubt about the business case and suggested that it may be a Trojan horse for residential development in the AONB. If the application was approved, he advocated stringent conditions to ensure the residential development was tied to the equestrian use, such that if the equestrian use cease, so should the residential use.
- He expressed his disappointment that set operating hours could not be secured.
- He concluded by noting that it was a highly controversial application.

### **Member Questions to the Ward Member**

62. Members did not have any questions of clarification.

### **Member Questions to Officers**

63. Councillor Carlyne Culver noted that economic benefits of planning applications would be considered, and asked whether officers were convinced that there was a proven business case and clear need for the facility. Mr Masiwa responded that they were convinced by the business case. The Jockey Club had been consulted and Lambourn Trainers' Association had written a letter of support. The applicant had agreed to publishing details of the business case, which justified the application and demonstrated the need for the facility. Officers had to consider the application in accordance with the Development Plan - the racehorse industry was covered by three policies. These indicated that this was an acceptable use within the AONB and Policy CS12 stated that Planning Officers should consider favourably any application that would support the industry.
64. The Chairman asked if the application stopped the land from being used as a working farm. Mr Masiwa responded that the farm could continue to be used, and noted that previous applications for equine uses had been approved, but had not been implemented. He also noted that Highways Officers were not concerned about the impacts of movements to and from the site, since existing uses and numbers of trips were similar.

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65. Councillor Hilary Cole asked whether any AONB representation had been received. Mr Masiwa responded that no formal representation had been received. Correspondence had been received from objecting residents, who had been in contact with the AONB Team. These suggested that the AONB Team had concerns, but a request for formal representation had not been answered.
66. Councillor Clive Hooker noted that applications to redevelop redundant farm land had conditions to maintain the barns, and asked why the proposal to knock down a barn on this site was being supported by Officers. Mr Till responded that there was a specific policy regarding re-use of redundant agricultural buildings, but there was a separate policy regarding delivery of horse riding, livery and facilities for the horseracing industry. As it was not solely a residential application, different considerations applied.
67. Councillor Phil Barnett asked if proper signage denoting the possibility of horse boxes or HGVs could be part of the conditions to address highway safety issue. Mr Paul Goddard responded that it was his view that signage was unnecessary, and advice would need to be taken from Traffic Management. He suggested that they would not be required because few vehicles were expected to turn in and out of the site, the site had previously been a farm which would potentially have had more associated movements, and the access to the site would be widened by the development. Councillor Barnett accepted Mr Goddard's recommendation.
68. Councillor Adrian Abbs asked if the residential portion of the development was larger or smaller than in the previous application. Mr Masiwa responded that it was smaller than when the application was originally submitted. Concern had been raised about the size of the original dwelling, and it had since been reduced.
69. Councillor Adrian Abbs asked if flood zone sequential testing was necessary. Mr Masiwa responded that it was in Flood Zone 1, and so sequential testing was not required - sites in Flood Zones 2 or 3 that were considered more vulnerable would be subject to sequential tests.
70. Councillor Adrian Abbs referred back to Policy CS15. He noted that the Code for Sustainable Homes had been abolished, but noted that the policy referred to an 'equivalent method' for ensuring that Zero Carbon was achieved. Mr Till responded that the advice for the Policy Officer was that the request could not be made for a single residential unit. Councillor Abbs responded that the proposal contained additional accommodation, and so should not be considered a single residential unit. Mr Till responded that it was not permanent residential accommodation, and so did not qualify.

### **Debate**

71. Councillor Jeff Cant opened the debate by stating that it was a finely balanced report. He felt that a development which would improve the appearance of the area would not cause an issue with the AONB. He also believed that applications which improved the horse racing industry should be considered favourably. He considered that it was not for the Committee to judge a business case if the applicant was willing to put up money to deliver their business plan. He also did not believe it was a 'Trojan horse' for additional development, since there were sufficient constraints that would prevent the developer from using the accommodation for anyone other than an employee. As such, he was inclined to support the application.
72. Councillor Adrian Abbs stated that the presentation from the Parish Council was very persuasive and showed clear understanding of the Council's policies. He also felt that the Objector had made a strong case. Councillor Abbs additionally believed that

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Policy CS15 was not being applied to the application due to a technicality, and that it should be tested at appeal. He noted that the applicant was unwilling to follow the spirit of Policy CS15. Councillor Abbs accepted the argument in terms of supporting jobs, but noted that there were alternative sites available. As a result, he was not prepared to support the application.

73. Councillor Carolyn Culver, noted the condition preventing construction of the accommodation until after the equestrian facilities were completed. However, she pointed out that accommodation was required for staff to care for the horses and asked if the condition was reasonable.
74. Councillor Hilary Cole indicated that she appreciated Councillor Abbs' commitment to Policy CS15, and accepted that applicants were encouraged to do their best in the spirit of the policy. However, applications could not be judged on policies that did not exist, and that the loss of the Code for Sustainable Homes made it untenable to use Policy CS15. She noted that additional weight was being given to social, economic and environmental considerations, and that a strong steer had been given to Officers to give more weight to economic aspects of developments to support recovery from Covid. She felt that this application addressed this point. She expressed surprise that Lambourn Parish Council opposed this development, since they had previously been supportive of the horse racing sector.
75. Councillor Abbs clarified that he was pushing for Policy CS15 because it still applied, as had been argued at the Sandford Inquiry. If officers were arguing on its behalf then the Committee had to do the same. Mr Till responded that arguments made on behalf of Policy CS15 for major residential developments did not similarly apply to minor residential developments in an unsustainable areas such as this one, and an appeal against a refusal on Policy CS15 grounds would be very different to that for Sandford. Mr Till did not believe Policy CS15 was viable as grounds for refusal. Councillor Adrian Abbs responded that this application had been categorised as a major development.
76. The Chairman invited Members of the Committee to vote on the proposal by Councillor Jeff Cant, seconded by Councillor Hilary Cole to grant planning permission. At the vote the motion was carried.

**RESOLVED** that the Service Director - Development and Regulation be authorised to grant planning permission subject to the following conditions:

### **Conditions**

#### **1. Time Limit 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).

#### **2. Approved plans**

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

- Heritage Statement received on 04 June 2020
- Applicant justification of uses received on 10 August 2020
- Amended proposed main barn plans and elevations Received on 12 March 2021

Received on 28 July 2020:

- Applicant - Fognam Farm Instruction - Highways Automatic Traffic Counter

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- Applicants Highway Technical note response to objections
- Phase 1 Land Contamination Assessment
- Applicant - Lynchets Instruction - Highways Automatic Traffic Counter
- Lynchets Automatic traffic counter Location
- Frognam Farm Automatic traffic counter Location

Received on 09 December 2020

Amended preliminary ecological assessment

- Amended Landscape and Visual Appraisal
- Amended drainage statement
- Amended Arboriculture Statement
- Amended Transport Statement
- Amended Enterprise Justification report
- Amended land contamination report
- Amended site plan
- Amended proposed lunge pen
- Amended horse walker plan and elevations
- Amended managers dwelling
- Amended Lighting Assessment
- Amended Residential receptor locations plan
- Amended Assessed Scheme of Lighting sheet 1
- Amended Assessed Scheme of Lighting sheet 2
- Amended light spill assessment sheet 1
- Amended scheme of Lighting sheet 2
- Amended light spill assessment sheet 2
- Amended ATC data Appendix 1
- Amended sight line splays

Received on 19 July 2021:

- Applicant response to LLFA
- Amended Flood Risk Assessment dated July 2021
- FRA Appendix A - Correspondence with EA
- FRA Appendix B1- Thames Water Response Email 01042021
- FRA Appendix B2- Thames water email 18062021

Received on 05 January 2021

- Amended Design and Access Statement
- Amended Proposed Outbuilding
- Amended Field View of the site

Received on 12 August 2021:

- Applicant response to LLFA - 12.08.2021
- Amended Ground Water details

Received on 26 August 2021:

- Amended Drainage Calculations
- Amended combined drainage plan

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

### 3. Schedule of the materials

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The construction of the buildings and hard surfaced areas shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

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

### **4. Construction of the residential accommodation**

The construction of the residential accommodation hereby permitted (Manager's Dwelling and temporary overnight accommodation) shall not commence until the rest of the equestrian yard facilities have been completed as the first phase of development. Thereafter the residential accommodation shall be used in the operation of the pre-training, rest and recuperation establishment for racehorses at Fognam Farm, Upper Lambourn, Hungerford.

Reason: To ensure the accommodation is constructed once the equestrian yard has been constructed. To protect against an isolated dwelling. The dwelling shall then be used in association with the needs of the pre-training, rest, rehabilitation recuperation yard for race horses. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12 and CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

### **5. Dwelling occupation**

The occupation of the dwellings hereby permitted (Managers Dwelling and temporary overnight accommodation) shall be limited to a person solely or mainly working (or retired through old age or ill health) in the operation of a pre-training, rest, rehabilitation and recuperation facility for racehorses at Fognam Farm, Upper Lambourn, Hungerford, or a widow or widower of such a person and to any resident dependants.

Reason: A dwelling in this location is only acceptable because it provides essential accommodation for a rural worker in the locality. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS1 and CS12 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the Housing Site Allocations DPD 2006-2026.

### **6. Site use**

The whole site known as Fognam Farm, Upper Lambourn, Hungerford, including all buildings hereby permitted shall remain for use as a pre-training, rest, rehabilitation and recuperation facility in conjunction with the racehorse industry. The buildings shall not be used as a separate residential unit, offices or any other uses within Use Class E (Use Class Order 2020), sold/leased/rented or used as a separate unit or commercial yard, and no separate curtilage shall be created other than permitted in this approval shall be created.

Reason: Any other use may not be acceptable on the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS12,

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CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007 and Supplementary Planning Document Quality Design 2006.

### **7. Restriction on externally stored equestrian paraphernalia**

No materials, goods, plant, machinery, equipment, storage containers, waste containers or other items of equestrian paraphernalia shall be stored, processed, repaired, operated or displayed in the open land on the site.

Reason: To ensure the scale and intensity of the development is appropriate to its location in the interests of visual amenity in AONB and highways safety. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **8. Scheme for the protection of trees**

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

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **9. Scheme of landscaping**

No development shall take place (including site clearance and other preparatory works) until a detailed scheme of hard and soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation program and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) Completion of the approved landscaping scheme within the first planting season following completion of development.

b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework,

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Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

### **10. Boundary treatments details**

No development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatments to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the use hereby permitted is commenced. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters.

This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

### **11. Sustainable drainage measures**

The use hereby permitted shall not commence until the sustainable drainage measures have been implemented in accordance with the details identified in the following documents:

Received on 19 July 2021:

- Applicant response to LLFA
- Amended Flood Risk Assessment dated July 2021
- FRA Appendix A - Correspondence with EA
- FRA Appendix B1- Thames Water Response Email 01042021
- FRA Appendix B2- Thames water email 18062021

Received on 12 August 2021:

- Applicant response to LLFA - 12.08.2021
- Amended Ground Water details

Received on 26 August 2021:

- Amended Drainage Calculations
- Amended combined drainage plan

The sustainable drainage measures shall be implemented in full, maintained, retained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner in accordance with the details approved by the Local Lead Flood Authority. This condition is imposed 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).

### **12 Infiltration testing and groundwater monitoring**

No development shall take place until details of infiltration testing and groundwater monitoring undertaken throughout the winter months in the location of the proposed SuDS features have been submitted and approved in writing with the Local Planning Authority. Thereafter the sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

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Reason: To ensure that surface water will be managed in a sustainable manner and 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. Insufficient details have been submitted with regard to infiltration testing and groundwater monitoring. 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 2006.

### **13 Unforeseen Contamination and remediation (water pollution)**

If unforeseen contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

This condition is imposed 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 2006 and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **14. Spoil management**

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the AONB area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

### **15. Method of manure removal**

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

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Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy OVS5 of the West Berkshire District Local Plan 2007.

### **16. Plant, machinery and equipment**

All plant, machinery and equipment installed or operated in connection with the carrying out of the development hereby approved shall be so enclosed and attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level, or 10dB[A] if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.

Reason: To protect the occupants of nearby residential properties from noise. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **17. Access and visibility splays before occupation**

The use shall not commence until the access has been provided and the visibility splays at the access have been provided in accordance with drawing number 01/20 dated 28/01/20. 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 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **18. Parking and turning in accord with plans**

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

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, 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).

### **19. Construction Method Statement**

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

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

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(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, 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).

### **20. Electric Charging Point**

The development shall not be first brought into use until details of an electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the electric vehicle charging point has been provided in accordance with the approved details. The charging point shall thereafter be retained and kept available for the charging of electric vehicles.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **21. Landscape and Ecological Management Plan**

No development shall take place on the site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP should be based on the Ecological Assessments by Ethos Environmental Planning dated September 2020 received on 07 October 2020 and the approved SuDS and Landscaping documents and plans. Such a Plan shall include:

- a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews.
- b) Provision of features for protected and priority fauna as outlined within the Amended Ecological Assessment by John Wenman Ecological Consultancy dated November 2020 received on 19 December 2020 and deliver the recommendations of this Assessment to ensure the appropriate protection and conservation of protected habitats and species.
- c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, and ecological mitigation area.
- d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure shown and boundary treatments and species and habitat enhancements and protections.
- e) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping.

The approved LEMP shall be implemented in full upon commencement of development.

Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific

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recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible. The detailed LEMP is required before commencement of development because insufficiently detailed information has been submitted at the application stage, and it may include measures that require implementation during the construction phase. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **22 Construction Environmental Management Plan (CEMP)**

No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;

- (a) A risk assessment of potentially damaging construction activities
- (b) Identification of biodiversity protection zones and a green phasing plan
- (c) Practical measures to avoid and reduce impacts during construction
- (d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures
- (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 of the ecological clerk of works or similarly competent person
- (h) Use of protective fences, exclusion barriers and warning signs
- (i) Any temporary lighting that will be used during construction
- (j) A scheme of works or such other steps to minimise the effects of dust during construction
- (k) The implementation of these measures prior to the commencement of each phase.

The development shall not be constructed otherwise than in accordance with the approved CEMP.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **23. Updated Ecological Appraisal**

In the event that development has not commenced 3 years from the date of this permission, no development shall take place until an updated Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.

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Reason: If the development has not been commenced by November 2023 the ecological appraisal should be updated. This is because the latest ecology assessment report was dated November 2020 and many of the species considered during the current survey are highly mobile and the ecology of the site is likely to change over this period. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **24. Biodiversity Monitoring construction and post works**

The proposed development shall not be brought into use until a report has been submitted outlining progress made in achieving biodiversity establishment and management objectives as agreed within other conditions listed in this permission. Thereafter further monitoring reports by a licenced Ecologist must be provided at years 1, 3, 5, 10, 15, 20, 25, 30 of the management plan as per Biodiversity Net Gain (BNG) requirements.

Reason: To ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment and to ensure the net gains are achieved as projected in the long term. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **25. Site of Special Scientific Interest (SSSI)**

No development shall commence until a statement outlining the mitigation measures to protect the interest features of the Fognam Chalk Quarry Site of Special Scientific Interest (SSSI) during construction has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved SSSI mitigation measures. The mitigation measures shall include:

- 1) Protection from pollution, dust, disturbance and other impacts upon the site.
- 2) No materials, machinery or work should encroach onto the SSSI either before, during or after demolition, construction or ongoing use; and
- 3) No pollution from demolition or construction of the development must adversely affect the SSSI.

All works must then proceed in accordance with the approved statement with any future amendments agreed and approved in writing by the Local Planning Authority in consultation with Natural England.

Reason: The construction of the development so close to the SSSI boundary could cause pollution, dust, disturbance and other impacts upon the SSSI site. Measures are required to ensure the SSI features are protected. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **26. Habitats enhancements**

No development shall take place until details of habitat enhancements have been submitted to and approved in writing by the Local Planning Authority. The submitted details must include:

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- 1) A barn owl nest cavity and bat bricks or tiles to be included within the new constructions.
- 2) Measures to ensure the SSSI experiences some controlled disturbance such as grazing, control of weeds, some scrub management and creation of bare chalk (e.g. where there are currently weeds or nettles).
- 3) Details of how the SSSI will be fenced off from horses as unregulated grazing could cause harm to the SSSI.

Reason: To ensure the protection and enhancement of protected species and their habitats. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **27. External lighting**

Irrespective of the submitted lighting details, no external lighting shall be installed until further details of the assessment and mitigation of potential lighting impacts on biodiversity and proposed biodiversity mitigation has been submitted to and approved in writing by the Local Planning Authority. The assessment and mitigation shall:

- (a) Identify those areas on the site that are particularly sensitive for identified protected species 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 from accessing commuting and foraging pathways.
- (c) Include an isolux diagram of the proposed lighting in relation to any biodiversity mitigation secured in the planning permission.
- (d) Demonstrate and ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.

Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed or discouraged from using their breeding and resting places, established flyways or foraging areas. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **28. Thames Water - Source Protection Strategy**

No development shall take place until a Source Protection Strategy detailing, how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been submitted to and approved by, the local planning authority in consultation with the water undertaker (Thames Water). Thereafter the development shall be constructed and implemented in accordance with the recommendations of the approved strategy.

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Reason: To ensure that the groundwater resource is not detrimentally affected by the development. This condition is applied in accordance with the National Planning Policy Framework, Policy CS5 and CS16 of the West Berkshire Core Strategy 2006-2026, Part 4 of Supplementary Planning Document Quality Design 2006 and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **29. Programme of archaeological work**

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

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. The condition is imposed in accordance with the National Planning Policy Framework and Policy CS19 of the West Berkshire Local Plan (2006-2026).

### **30. PD Removal – extensions, outbuildings**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development to the residential buildings hereby approved, which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and 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 and in the interests of respecting the character and appearance of the surrounding AONB area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

### ***Informatives***

#### **1. Approval - Objections/Support received**

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. Access construction**

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

#### **3. Damage to footways, cycleways and verges**

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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.

### 4. 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.

### 5. Thames Water - discharging groundwater permit

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk).

Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk).

Please refer to the Wholesale; Business customers; Groundwater discharges section.

### 6. Thames Water - discharge to a public sewer

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-andpay-forservices/Wastewater-services>

### 7. Thames Water - existing water mains

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/Planningyourdevelopment/Working-near-or-diverting-our-pipes>

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-your-development/Working-near-ordiverting-our-pipes>.

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

### 8. Thames Water - Water supply capacity

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames

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Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **Mains water for construction**

If the developer is planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/building water](https://thameswater.co.uk/building-water).

### **9. Thames Water - Source Protection Zone**

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-positionstatements>)

and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

### **10. Thames Water - easements and wayleaves**

There are easements and wayleaves running through the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. On the Map (previously sent with comments) yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

### **11. Environment Agency - Groundwater protection**

The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

### **12. Environment Agency - Slurry and manure storage**

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has

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been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility. Further guidance is available:

<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

**13. Construction noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health.

For more information: email [ehadvice@westberks.gov.uk](mailto:ehadvice@westberks.gov.uk), call 01635 519192, or visit <http://info.westberks.gov.uk/environmentalhealth>.

**14. Royal Berkshire Fire and Rescue Service**

The development will need to be designed and built in accordance with the functional requirements of current Building Regulation requirements. Full assessment of the proposed development in respect of 'Building Control' matters will be undertaken during the formal statutory Building Regulations consultation. For more information, the applicant is referred to the following web link:

<https://www.gov.uk/government/publications/fire-safety-approved-document-b>

*(The meeting commenced at Time Not Specified and closed at Time Not Specified)*

**CHAIRMAN** .....

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