

# Notice of Meeting



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## Western Area Planning Committee Wednesday 13 October, 2021 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team ([planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)) by no later than 4.00pm on Tuesday 12 October 2021, if they wish to attend the Planning Committee.

Please note that due to the current Coronavirus restrictions there is a limit on the number of people who can enter the Council Chamber. Remote attendance at the meeting is therefore encouraged at this time.

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 5 October 2021

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148  
Email: [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)



**Agenda - Western Area Planning Committee to be held on Wednesday, 13 October 2021**  
*(continued)*

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: [jenny.legge@westberks.gov.uk](mailto:jenny.legge@westberks.gov.uk)



**Agenda - Western Area Planning Committee to be held on Wednesday, 13 October 2021**  
(continued)

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

**Substitutes:** Councillors Jeff Beck, Lynne Doherty, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers

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# Agenda

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
  2. **Minutes** 7 - 36  
To approve as a correct record the Minutes of the meeting of this Committee held on 1 and 22 September 2021.
  3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
  4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).*
- (1) **Application No. and Parish: 21/01519/FUL, Land West Of Pumping Station, Enborne Row, Wash Water, Enborne** 37 - 50
- Proposal:** 1. Construction of stabling and hard standing; 2. Change of use from agricultural to a mixed agricultural/equestrian use; 3. Soft landscaping scheme.
- Location:** Land West Of Pumping Station, Enborne Row, Wash Water.
- Applicant:** Charles Doherty.
- Recommendation:** To delegate to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the conditions.

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(continued)

- (2) **Application No. and Parish: 21/01038/HOUSE, 1 Croft Road, Newbury Wash Common** 51 - 64
- Proposal:** Two storey extension to the side and single storey extension to the rear.
- Location:** 1 Croft Road, Newbury.
- Applicant:** Martin Redford.
- Recommendation:** To DELEGATE to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to conditions.
- (3) **Application No. and Parish: 20/01264/FULMAJ, Fognam Farm, Upper Lambourn** 65 - 100
- Proposal:** 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.
- Location:** Fognam Farm, Upper Lambourn, Hungerford.
- Applicant:** Kingsdown Estate Ltd.
- Recommendation:** To DELEGATE to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1 of the report)

### Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

**Sarah Clarke**

Service Director (Strategy and Governance)



West Berkshire  
C O U N C I L



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*(continued)*

If you require this information in a different format or translation, please contact  
Stephen Chard on (01635) 519462.

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## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### WESTERN AREA PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY, 1 SEPTEMBER 2021

**Councillors Present:** Adrian Abbs, Phil Barnett, Jeff Beck (Substitute) (In place of Dennis Benneyworth), Jeff Cant, Hilary Cole, Carolyn Culver, Lynne Doherty, Clive Hooker, Tony Vickers (Vice-Chairman) and Howard Woollaston

**Also Present:** Sharon Armour (Solicitor), Paul Goddard (Team Leader - Highways Development Control), Jack Karimi (Democratic Services Officer), Cheyanne Kirby (Planning Officer), Masie Masiwa (Planning Officer), Shiraz Sheikh (Principal Solicitor), Simon Till (Senior Planning Officer) and Steven Wilson (Senior Environmental Health Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth

#### PART I

##### 14. Minutes

The Minutes of the previous meeting were not available to review.

##### 15. Declarations of Interest

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

##### 16. Schedule of Planning Applications

###### (1) Application No. and Parish: 21/01079/COMIND, Newbury Racecourse, Racecourse Road, Newbury, Greenham

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of the Highways and Planning Committee of Greenham Parish Council. He had been present when the application was discussed, but would consider the application afresh. He also declared that he was the Parish Council's liaison with the Racecourse Residents' Committee and lived within a mile of the site. 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 Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of the Highways and Planning Committees of both Greenham Parish and Newbury Town Councils. They had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Jeff Beck declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of the Highways and Planning Committee of Newbury Town Council. He had been present when the application was discussed, but would consider*

## WESTERN AREA PLANNING COMMITTEE - 1 SEPTEMBER 2021 - MINUTES

*the application afresh. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Phil Barnett declared that he had been lobbied on Agenda Item 4(1))*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/01079/COMIND in respect of Newbury Racecourse, Racecourse Road, Newbury for a Temporary 1 year permission: Great Newbury Christmas Carnival (with attractions including market stalls, big-top, fairground rides, Christmas tree maze, ice-rink, Santa's grotto). Associated cut and fill works were also proposal to level the centre of the Racecourse.
2. Mrs 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 Head of Development and Planning be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the site was used to accommodate large events and the average attendance for race days was around 7,400 visitors, with the largest events attracting up to 23,000 visitors. This proposal would attract an average of 6,500 visitors per day. On weekdays, there would be 3,000–4,000 visitors, with peak arrivals in the early evening. At weekends, visitor numbers were expected to be two or three times higher, with peak arrivals in the middle of the day, but numbers would be less than for existing race meetings. A car parking survey had been undertaken during the race meeting and a subsequent Olly Murs concert in August 2017, when there had been 10 percent spare car parking capacity on site. Mr Goddard indicated that Highways Officers were confident that existing highway infrastructure could accommodate the proposal. He highlighted a concern that the public were being diverted to Car Park 1 in the centre of the racecourse, which would increase traffic via Stroud Green, rather than using the signed route via Hambridge Road and the new rail bridge. As a result, Highways Officers had objected to the proposal. However, he highlighted the proposed condition on page five of the Update Report: *'Irrespective of the indication in the submitted documents and plans, the use hereby permitted shall not commence until details of parking provision, direction of all traffic accessing the event and traffic management are submitted'*. Mr Goddard suggested that this would ensure that traffic accessed the site via the bridge from Hambridge Road, so he was content to withdraw the objection. He thanked Planning colleagues for accommodating Highway Officers' concerns.
4. In accordance with the Council's Constitution, Mr Billy Drummond (Newbury Town Council), Ms Sarah Woolmer, Mr John Moore, Dr Tom Nisbet, Michael Suppo and Caron Brand (objectors), and Mr Julian Thick (applicant) addressed the Committee on this application.

### **Parish/Town Council Representation**

5. Mr Drummond in addressing the Committee raised the following points:
  - Although Newbury Town Council did not oppose the application, this was subject to a review of the first year of operation.

## **WESTERN AREA PLANNING COMMITTEE - 1 SEPTEMBER 2021 - MINUTES**

- The fact that the application was for a single year, rather than five years as originally proposed, was welcomed.
- Newbury Town Council had had to formally request to be consulted on this application by West Berkshire Council, which was concerning.
- The Town Council had concerns about a number of issues. There would be issues with noise coming from the site, including from the rides and screaming from people on the rides, especially when the weather was cold and still. There would also be noise from the big top tent.
- There were many more local residents who had objected to the application than those who had supported it.

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

6. Mr Drummond lost his connection to the meeting, so members were unable to ask any questions of clarification.

### **Objectors Representation**

7. Ms Sarah Woolmer in addressing the Committee raised the following points:
  - There was concern from all who overlooked the racecourse, and there were strong objections to the Winter Carnival on the following grounds:
    - a. Sale of alcohol.
    - b. Smells from the food stalls, with associated litter, which would attract vermin.
    - c. Distress to wildlife.
    - d. Traffic and ensuring that the barriers on Racecourse Road remained down for the duration of the carnival.
    - e. Noise and light pollution - objectors wished to see details of noise surveys including locations and frequency and how this would be enforced during the carnival.
    - f. The Carnival would change the ambience of the racecourse, which residents enjoyed.
  - She urged the committee to take account of resident's views, who would be negatively affected by the proposal and the mental stress therefrom.
8. Mr John Moore in addressing the Committee raised the following points:
  - His main objections were in relation to light and sound.
  - He suggested that some of the proposed cross-sections were not to scale.
  - The photographs in Mr Masiwa's presentation were taken from the car park and were focused on Mandarin Drive, which was bordered by trees that would act as a sound barrier.
  - Challow House would be closest to the event site.
  - He also had concerns about the side-road, which would be used before and after each event, and was 25m from Mr Moore's balcony on the 4<sup>th</sup> floor. This was unacceptable.
  - Other events and concerts were single events, but the Carnival would go on for weeks, including work to level the site.

## **WESTERN AREA PLANNING COMMITTEE - 1 SEPTEMBER 2021 - MINUTES**

- Large fairground rides would require piling for the foundations.
9. Dr Tom Nisbet in addressing the Committee raised the following points:
- The proposal and assessment were seriously flawed.
  - Cut and fill works were not temporary and would have a permanent and significant impact on flood risk and biodiversity.
  - The proposal failed to consider surface water flood risk, and Environment Agency guidance required a flood risk assessment where there was an impact in terms of surface water flooding
  - The development site was at medium risk of surface water flooding and the proposed development was likely to increase this to high risk due to the additional hardstanding, hard surfaces and ground compaction.
  - The surface water flood map showed the path of the water leading directly to the housing development, posing a significantly increased flood risk.
  - The Council had failed to follow government guidance for managing surface water flooding, leaving it open to legal challenge.
  - The levelling of the central raised mound would impact on breeding skylarks and nesting lapwings. The proposal failed to consider the ecological impact of the cut and fill works on these nationally important bird species.
  - The flawed assessment should be reconsidered.
10. Mr Michael Suppo in addressing the Committee raised the following points:
- As a new resident of the racecourse, he had not signed up for the proposed carnival.
  - There had never been a prolonged and invasive event such as the proposed carnival at the racecourse, and it was not the kind of event he had imagined to have there.
  - Mr Suppo had been directly affected by the proposal. He was selling a property in Cape Cross House overlooking the racecourse and the buyer had pulled out when they had read about the proposed carnival in the Newbury Weekly News. They did not feel that their quality of life would be good and they considered it to be a bad investment.
  - Other residents would experience similar impacts when they came to sell. There were 28 properties on the market.
11. Ms Caron Brand in addressing the Committee raised the following points:
- She lived in Challow House above Car Park 5, and was concerned about noise, fumes and pollution from cars. While acceptable for race days, this was not acceptable for three months.

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

12. Councillor Phil Barnett noted that apart from the fireworks, all other events followed on from racecourse activities, which were normally in the afternoons or early evenings. He asked what time vehicles would normally leave the site and observed that for the carnival, this would be 10pm. Dr Nisbet replied that it depended on when the event finished, but it was usually about 7pm and sometimes earlier. Ms Woolmer noted that it took at least an hour for the central car park to empty after racing, and Car Park 5 took even longer.

## **WESTERN AREA PLANNING COMMITTEE - 1 SEPTEMBER 2021 - MINUTES**

13. Councillor Abbs noted that the objectors had mentioned sound and invited them to expand on their concerns.
14. Ms Woolmer indicated that there would be vibrations from the rides. She also expressed concern about noise from: piling works; generators, (which could operate all day); and trucks entering and leaving the site at night to service the site. She suggested that this would have an impact on the mental health of residents.
15. Mr Moore agreed that after a race meeting, cars mostly dissipated within an hour, but it was usual for some to be left overnight and to be picked up the next day.
16. Ms Brand stated that from her balcony she could hear car engines as well as conversations on the golf course. She noted that some residents worked shifts and others worked from home. She explained that she had regularly been in hospital due to a disability and recent cancer treatment. She did not sleep regular hours and suggested that noise from the carnival and associated lorries would negatively affect her mental health.
17. Ms Liz Turner referred to the Vanguardia noise report. This had taken readings at Frankle House as the nearest property to the proposed carnival site, but she thought Challow House and Farriers House would be closer to the generators, so the report was flawed. She highlighted the recent Colour Rush event at the racecourse. The organisers had been asked to turn the Public Address system down, but had refused. Ms Turner had made a complaint to Environmental Health, but it had taken them 23 days to respond.
18. Councillor Abbs asked Mr Suppo for statistics about the duration of events at the racecourse. Mr Suppo replied that he had lived in Newbury for 38 years and had never seen a funfair at the racecourse, and that Northcroft was used for the Michaelmas Fair. He indicated that the racecourse had only been used for races and fireworks plus ad hoc events (e.g. weddings). He felt that a funfair did not suit the venue.
19. Councillor Abbs asked Mr Suppo if he questioned the racecourse's ability to run a prolonged event such as the carnival. Mr Suppo explained that when he moved there, he had only expected to see day events at the site, and he thought that the 300 people who had properties facing the racecourse would feel the same. He suggested that the people who were supportive of the carnival would probably not be able to see or hear it. He reiterated his earlier point that a buyer had pulled out due to concerns about the carnival and suggested that the event would have wide repercussions.

### **Applicant / Agent Representation**

20. Mr Julian Thick in addressing the Committee raised the following points:
  - Diversity had always been part of the Newbury Racecourse DNA.
  - They had built and operated a successful nursery and hotel as well as a busy events business, and regularly held concerts.
  - Although they had racecourse in their name, they had always done much more.
  - The site was subject to a strategic site allocation (Policy CS2).
  - Policy CS12 sought to maintain viability as a major tourist attraction and economic driver, not just a racecourse.

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- They had invested heavily in improving the site, spending £30 million on improving the facilities in the last 7 years, which did not include the cost of the new bridge and other essential infrastructure.
- Shareholders had not taken dividends for 15 years and the racecourse was there for the long-term.
- They wanted to do things right and be a good neighbour, but they had to be a vibrant and successful business to survive.
- They had a track record of working well in partnership with West Berkshire Council and local stakeholders to solve any issues that arose, such as resolving issues around the bollards.
- The carnival was a key plank in rebuilding the business post-Covid, which had hit them hard, as their publicly available accounts had shown. Events such as this were needed to get the company back on track.
- They had been working on the event for two and half years.
- There was a massive gap in the market within this region for a family-focused business event, and focus groups and research had shown that families would attend.
- The carnival would be a strong economic generator for Newbury, building over time to create a destination event that the area needed.
- Their latest independent research showed that 61 percent of potential visitors were very likely/fairly likely to combine their trip to the carnival with a visit to Newbury town centre. Also, 30 percent were very likely/fairly likely to stay overnight. This would be great news for the town and its struggling hospitality businesses.
- The event as set out in the planning submission fitted within the racecourse's licensing regime in terms of noise, lighting and duration.
- They had listened to feedback received and had changed the application from five years to a one year trial. They were happy to do so, since they were confident they could make it work for all stakeholders.
- They understood that noise was the primary concern and sought to provide reassurance that it would be carefully designed and controlled.
- No ride operators would be allowed to have their own sound and event partner, Underbelly, would control the site.
- The Carnival would be designed to minimise noise spread, and noise impacts would be monitored at all times.
- Underbelly would write to all residents in advance of the event, providing further details, as well as contact information to allow them to give real-time feedback.
- The event was forecast to average 6,000 people per day, which was well-below the 36,000 race day capacity, giving great confidence that they could successfully manage its impact on the local community.
- Also, the 6,000 visitors would come in several groups, thus avoiding the rush of leaving, which was a concern for residents.
- Existing, well-practiced car parking strategies would be used. There was plenty of free car parking and they knew how to use it.



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- The traffic model would respect Racecourse Road's status as a no-through road, and the no parking measures that currently protected residents on race days would be repeated throughout the event.
- They were working with GWR to arrange for more trains to call at Newbury Racecourse Station, as they did on race days, to further reduce the impact.
- Underbelly was considered to be a very strong partner. They only ran high-quality events, and this was considered to be a genuine partnership. He had visited their events in Edinburgh and London and had been wowed by what they did, including their creativity, quality of event management and attention to detail. He considered it to be a feather in the town's cap that they were so keen to be involved. They had a strong record of working with local authorities and had a strong record in being reappointed, since they cared about the communities they worked with.
- In summary: there was demand for an event such as this; it would be popular; and it would deliver substantial benefits to the racecourse and the town.
- It would be well-managed, with best-in-class operators working closely with the racecourse and the Council to deliver a successful, carefully regulated event on a site that was perfectly set up to host it, with a licence that allowed for it, and a planning designation that was supportive.
- He confirmed that there would be no piling – temporary foundations would sit above ground.
- There would not be any need for overnight servicing of the site, since there was a 10am earliest start time, which would allow servicing to be done in the morning.
- Also, there would not be mass entry and exit, because people would flow through the day.

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

21. Councillor Carolyn Culver asked where similar events had been held previously and how close they had been to residences. Mr Charlie Wood confirmed that Underbelly had run similar events in Edinburgh and London since 2009. The nearest residences to South Bank in London were in the old County Hall building and the White House, which were 450 yards and 600 yards away respectively. For Princes Street Gardens in Edinburgh, there were flats and hotels 100 yards away on Princes Street and 50 yards away in George Street. There were no residences in the immediate vicinity of events in Trafalgar Square and Leicester Square.
22. Councillor Culver asked how long the events in London and Edinburgh lasted. Mr Wood confirmed that the South Bank event ran for 6 months and had been held each year between 2009 and 2019. They had operated in Edinburgh since 2013. The Trafalgar Square event had only been held in 2019 and the event in Leicester Square had been held annually since 2016.
23. Councillor Culver sought clarification about the duration of each event. Mr Wood confirmed that the Edinburgh events ran from mid-November to the end of the first week in January, approximately 55-56 days compared to 37 days proposed for the Newbury event.
24. Councillor Howard Woollaston sought clarification about how long the generators would operate. Mr Wood confirmed that one generator would need to run throughout the night to keep the ice-rink chilled. A smaller generator would also be required to maintain security on site. All other generators would be switched off.

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25. Councillor Barnett asked for confirmation that when the racecourse apartments were first being sold, there had been a hoarding stating 'what a great place to live' and promoting it as a very nice residential area. The Chairman indicated that this was not a planning matter.
26. Councillor Abbs asked if an alternative surface could be used for the ice-rink, which would not require a generator. Mr Wood indicated that they usually used ice-rinks.
27. Councillor Abbs asked if the generators would be placed at the edge of the development. Mr Woods confirmed that was correct. Councillor Abbs asked if they would be at points closest to the residents. Mr Wood indicated that he would have to confirm the locations, but he thought they would be placed at the furthest points from residents.
28. Ms Catherine Tyre confirmed that the generator that would operate 24/7 (Generator #3) would be as far away from residents as possible, and a noise assessment had been carried out, which confirmed that it would not have an adverse impact. Councillor Abbs noted that this was next to Generator #4 on the south side, and while this was further from residents on the racecourse, it was closer to residents to the south of the site. Ms Tyre noted that there was a band of trees between the site and the properties to the south, which would provide some acoustic screening. She indicated the acoustic assessment had shown that they would not have an impact, but if they did exceed certain thresholds then an acoustic barrier could be put in place.
29. Councillor Abbs asked about the location of the noise measurement points. Ms Tyre confirmed that this information was in the acoustic report. Councillor Abbs indicated that this showed the measurements points to be the furthest possible site from the residents to the south.
30. Councillor Abbs suggested that the big top tent would be another major noise generator and noted that it would be orientated towards people living to the west. He asked why it was not oriented towards the centre of the venue. Mr Thick explained that the big top was circular and therefore did not orient in any direction and the entrance would face the controlled noise area in the centre of the event space. As such, it would have the least potential for noise leakage.
31. Councillor Hilary Cole noted that the Council consulted a lot with residents on various projects. She asked how much consultation on the carnival had taken place with affected residents prior to submission of the planning application. She also asked if account had been taken of the fact that trees would have no leaves when the carnival was happening and so would be less effective in filtering noise.
32. Mr Thick explained that in addition to the deciduous trees, there was also a line of evergreen trees. This was there to provide effective screening from TV cameras during winter racing. Mr Thick also explained that consultation had taken place online rather than in person due to Covid. The process had started nearly two years ago when they had met with the Parish Council and residents. He believed that all views had been taken into account. Ms Tyre stated that there had been a lot of website hits in response to the consultation. They had received over 100 comments from residents and others. She indicated that there had been some objections and concerns, but overall the response was overwhelmingly positive.
33. Councillor Hilary Cole stated that she had asked specifically about consultation with affected residents and the Chairman suggested that supporters would most likely not be living within earshot of the site.

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34. Ms Tyre explained that a letter drop was done to all residents on the racecourse and to the south of the site. The survey was publicised more widely in the press, but notifications only went to local residents.
35. Mr Thick also highlighted that residents could opt into an email group to receive news about racecourse activities. This had been used to promote the consultation in addition to the letter drop.
36. The Chairman asked if any of the other events venues used by Underbelly had a soft surface that needed levelling prior to use. He noted residents' concerns about hard surfacing and drainage.
37. Mr Thick explained that the ground would be levelled and returned to turf. He stated that the racecourse needed drainage to be as good as before. He suggested that residents should not be concerned about flood impacts, since they were all outside the racetrack and they would ensure that the racetrack was in peak condition at all times. He stated that they would create a well-drained surface that would return to normal quickly.
38. Councillor Abbs noted that the Parish Council had only been consulted fairly recently. He asked when it had originally been consulted.
39. Mr Thick indicated that it may have been the three District Ward councillors who were initially consulted rather than the parish council. The Chairman noted that two of them were also parish councillors. Mr Thick also stated that consultation efforts had been curtailed by Covid, but they had talked to both Greenham Parish and Newbury Town Councils after the public consultation.
40. Councillor Culver asked how many jobs would be created for people in Newbury. Mr Thick did not have numbers, but stressed that the event was based on using local casual labour. He also noted that Underbelly had experience of using local traders.
41. Councillor Clive Hooker noted concerns expressed about the impacts on wildlife and what measures would be put in place once the carnival had gone.
42. Mr Thick explained that the centre of the racecourse was loosely maintained grassland and an ex-golf course. He indicated that it would be returned to its current state apart from being levelled. He confirmed that works would take place outside of nesting periods when birds had migrated.
43. Councillor Jeff Beck asked whether the ice-rink would be open or covered.
44. Mr Wood confirmed that it would be an open air rink.

### **Ward Member Representation**

45. Councillor Phil Barnett in addressing the Committee raised the following points:
  - Newbury Racecourse was one of the best assets in the area and Councillors should seek to help make the facility a success. However, the racecourse must operate in a way that meets the needs of the owners and users, as well as ensuring that any operation within the racecourse does not impede local residents.
  - The three Ward members had been engaged in relation to the proposed Christmas event in February 2020, prior to the Covid pandemic.
  - The original proposal covered a five year period, so a one year trial was to be welcomed.
  - The size of the event and associated hype was considerable, and it would be seen by surrounding properties on the racecourse.

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- The proposed six week period coincided with the darkest nights of the year and experience had shown how roads were lit up around Northcroft due to the Michaelmas Fair, which only lasted five days.
- December could be still and frosty, so noise from the generators would be audible in: Stroud Green, the racecourse development, Hambridge Road, and Westwood Farm estate well into the evening.
- The proposed noise survey sites were not where noise would be heard the loudest in the surrounding areas. For example, there was a considerable climb to the top of Greenham.
- Vehicles entering and leaving the site would impact on surrounding roads. It would be preferable for vehicles to come in via the bridge with direct access to the racecourse site rather than past the properties that surrounded the racecourse, particularly those on the western side.
- People walking to and from the event may be noisier if they had been drinking and this would have an impact on the surrounding area.
- Some people may choose to park on surrounding roads rather than the official car parks. Such behaviour was noticeable during the fireworks.
- Residents were concerned about rubbish and waste, similar to that seen at other festivals.
- There was uncertainty about the number of staff who would be employed at the event, but there would be a requirement for staff to control visitors, and help clear up the site on a daily basis.
- Many racecourse residents were very apprehensive of the proposals - their quality of life must be considered and given high priority.
- The proposed event would give great enjoyment to many people, but unfortunately most would not come from the Newbury area and the event would be at the expense of local residents.

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

46. Councillor Jeff Cant asked Councillor Barnett if he had received any feedback about the alternative access arrangement he had proposed. Councillor Cant thought this might save a lot of stress for local residents.
47. Councillor Barnett suggested access should be via the new bridge, with a new access to the racecourse created behind the Nuffield Health Centre, away from residences around the main entrance to the west. The proposal would require an alteration to the perimeter fence, but he felt this could be easily accommodated.
48. Councillor Abbs asked if Councillor Barnett was proposing not to use any of the existing car parks, but to use a new area in the centre instead.
49. Councillor Barnett indicated that a hardstanding would be required to access the central area, but the existing car parks could still be used as proposed.
50. Councillor Abbs asked which car parks would be used.
51. Councillor Barnett indicated that the existing car parks were close to the apartments and suggested that care was required not to solve the problem at the western end only to create one in the north and east of the site.

### **Member Questions to Officers**

## WESTERN AREA PLANNING COMMITTEE - 1 SEPTEMBER 2021 - MINUTES

52. Councillor Culver asked if the carnival's impact on other events in the area had been assessed (e.g. Victoria Park). She also asked whether the decision about future carnivals would come back to Western Area Planning Committee or if it would be delegated to officers.
53. Mr Masiwa confirmed that the proposal had not been assessed against other events, but the applicant had done their own viability assessments. He confirmed that if Members were minded to approve this application, then applications for future events would be referred to this committee in accordance with the Constitution. For this application, it had been referred because there had been more than 10 letters of objection. He indicated that noise assessments and a post-event transport assessment would be used to determine the impacts on the local area and inform considerations of any future proposals.
54. Councillor Cant asked if alternative access arrangements had been considered.
55. Mr Goddard confirmed Highways Officers had originally objected to the proposal due to concerns about traffic coming through Stroud Green. He noted that the bridge had been constructed to enable public access to the site from the east. He referred to page five of the update report, which referred to a proposed condition requiring further work to be undertaken to confirm how the public would access the site. He confirmed that Highways Officers would press for the public to access the site via the new bridge as per normal race days.
56. Councillor Cant asked why this access option had not been included as part of the early discussions with the applicant.
57. Mr Goddard indicated that Highways Officers were a little late in starting to assess the proposal due to the Sandford Public Inquiry. He stated that the plans showed the access being off Stroud Green, but the proposed condition would allow for this to be changed, with public access via Hambridge Road and the railway bridge instead.
58. Councillor Hooker expressed concern that the new entrance would be outside the application's red line and suggested that the proposal would need to come back to Committee.
59. Mr Goddard confirmed that the revised proposal would use an existing access and car parks, with Car Parks 4 and 5 being used first rather than Car Park 1.
60. The Chairman sought confirmation from Planning Officers.
61. Mr Simon Till (Team Leader – Western Area Planning) agreed with Mr Goddard's advice. He stated that the access and car parks were within the ownership and control of the applicant, and could therefore be legitimately referenced in the conditions of planning permission. He also highlighted the recommendation in the update sheet, which allowed for the matter to be resolved prior to approval, or to bring it back to Committee within two months in the event that it was not resolved.
62. Councillor Abbs asked if the noise survey sampling locations were considered to be in the right locations, if the noise plan was considered to be well thought out, and if officers were aware that generators would be running through the night.
63. Mr Steven Wilson (Environmental Health Officer) noted that there had been a lot of detailed technical information about the proposed event. He indicated that the noise measurement points in the Vanguardia report were measuring background ambient noise. He suggested that the crucial question was how noise from the event would affect residents in the nearest noise-sensitive receptors (i.e. residences to the south-west and west of the site). He confirmed that Environmental Health Officers (EHOs) would be present on the first day of operation to take measurements and move from

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theoretical calculations to real-world assessments. He noted that EHOs would have powers to serve notice under the Environmental Protection Act to control noise, light and smells as they saw fit. He indicated that he was not concerned about noise from the big top, since there would be small children there. He indicated that generators could be acoustically shielded to limit noise. [Mr Wilson's connection deteriorated and became indistinct.]

64. Councillor Abbs asked if the intention was for the event to go ahead and for EHOs to then ask for the volume to be reduced until it was acceptable. He suggested that this amounted to experimenting with a live event.
65. The Chairman sought clarification that this was the proposed approach and that Mr Wilson felt he had sufficient powers to manage the situation.
66. Mr Wilson confirmed that was correct.

### Debate

67. Councillor Hooker opened the debate. He indicated that he had attended Christmas fairs in London and while they were fun, they were also manic with bright lights, loud sounds and smells. He noted that the event would have a long duration - in place for a month, plus a week for set up and a week for it to be taken down. He indicated that he had sympathy with residents' concerns. He considered it to be a good event, but in the wrong place and did not feel that he could support it.
68. Councillor Abbs indicated that he wanted to help the town and the racecourse, but he had concerns about the approach of officers experimenting with noise from the site. He expressed surprise, given the time available, that the applicant had not come up with a more well thought out plan. He noted that the event would last 38 days and that there would be an average of 6,000 trips per day to the site. He noted that there would be additional activity associated with erecting and dismantling it. He highlighted the fact that the sound stage was oriented to face residents rather than facing the centre of the site. He also queries why a generator would be running overnight to chill an ice rink when an artificial surface could be used instead, which would be better in terms of carbon emissions and the impact on residents. He indicated that he would not be supporting the application, but hoped that the applicant would come back with a better proposal.
69. Councillor Hilary Cole noted that there were three Members present who had approved the previous application for the racecourse. She suggested that at the time, Members had not considered the type of events that had since been held at the racecourse. She indicated that she understood residents' concerns. Although they had purchased properties with the knowledge that events would be held at the racecourse in addition to racing, with some resultant disturbance, she considered this proposal a step too far. She understood that the racecourse needed to generate revenue and felt that current events were well-organised. She noted that the Council was prioritising the economic development aspect of planning post-Covid, but the racecourse had given up land for residential development, which was how it had been sold to the Council. She did not feel that racecourse management had given sufficient consideration to the effects of events on residents. She highlighted the long duration of the carnival and noted the impacts that events at Newbury Showground had on local residents. Additionally, she suggested that there should not be two sets of rules for accessing the site. The condition imposed on the original development had required all access to be via the new bridge, but this application was proposing access from Stroud Green. She expressed concern about the proposed condition

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relating to access and suggested that this was too significant an aspect to be delegated to officers to approve. She indicated that she was unable to support the application.

70. Councillor Cant suggested that this type of event could be held at Newbury Showground, but noted that this would exclude access for people who did not have a car. He considered that apart from noise, vehicular access was the most critical aspect of the proposal and if other events such as car boot sales were allowed to access the site from Stroud Green that would not be attractive. He did not consider the access arrangements to have been properly thought through and he expressed concern about this being left to officers to agree with the applicant. He felt that access should be via the bridge.
71. Councillor Culver suggested that people moving to the racecourse would have known that there would be events there, but she expressed concern about the duration of the carnival and its proximity to residences, and indicated that residents would not have foreseen an event of this scale and duration. She noted that residents in London and Edinburgh would expect events of this nature. She expressed concern that officers had not assessed the likely impact of the carnival on other local events. While she acknowledged that the Council wanted to support economic activity, she suggested that this should not have a negative impact on other events.
72. Councillor Barnett stated that he had seen details of the Carnival when it had first been proposed for 2020. At that point, he had been enthusiastic, and it was not until later that he had realised how this would affect local residents in terms of noise, light and the duration of the event, and whether they would benefit from the proposal. He suggested that the main beneficiaries would be people who were not local to the area. He noted that there had been Winter Wonderland attractions elsewhere in South-East England, which had been forced to close early because they did not have sufficient visitors. He indicated that he would not be supporting the application. He stated that while he lived reasonably close to the site, it was not within a distance where he would have to formally declare an interest and he did not consider that he would be affected by light or sound.
73. Councillor Howard Woollaston indicated that he had initially been supportive of the application and what the racecourse was seeking to do. However, he shared the view of other Members that the proposal was not properly thought through. He suggested that the carnival could use a different part of the racecourse and felt that access points should be clarified. He indicated that he would not be supporting the application.
74. The Chairman stated that he had spoken to many people about the proposal. He indicated that he lived within earshot of Northcroft Park and could tolerate the Michalemas Fair for a long weekend. He noted that this was a long-standing tradition that had been in place before most people had bought houses in the area. As such, it was a different situation to that facing racecourse residents. He recognised that there was support for the carnival within West Berkshire, but he felt it was risky and he was not impressed with the way in which it had been presented. He noted that it was a sustainable site, but not a sustainable event and it would attract people from a wide area, which was not consistent with the climate emergency declaration.
75. Councillor Abbs proposed to reject Officer's recommendation and refuse planning permission for reasons of:
  - 1) The proposed development of the Christmas carnival would result in loss of amenity for residential occupants in locations surrounding the application site, to

## WESTERN AREA PLANNING COMMITTEE - 1 SEPTEMBER 2021 - MINUTES

the north and south, resulting from the noise generating activities associated with the proposals, in terms of the lack of effective control of the noise and the potential for disruption resulting from the noise over a prolonged period, both in terms of hours of the day and number of days of the year during the event.

- 2) The application was not accompanied by sufficient information in terms of determining the likely levels of noise impact associated with the event and the requirements of any associated mitigation measures.
- 3) The vehicular movements and parking provision associated with the proposed development would have a cumulative detrimental impact on road safety and the local transport infrastructure and undermine the access and signage strategy that was developed for the original Newbury Racecourse development. The applicant had failed to satisfy the Local Planning Authority that appropriate measures would be taken to mitigate the impact on road safety and the local transport infrastructure.

76. The motion was seconded by Councillor Culver.

77. The Chairman invited Members of the Committee to vote on the proposal by Councillor Adrian Abbs, seconded by Councillor Carolyne Culver to refuse planning permission. At the vote the motion was carried.

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

### Reasons

- 1) The proposed development of the Christmas carnival would result in loss of amenity for residential occupants in locations surrounding the application site, to the north and south, resulting from the noise generating activities associated with the proposals, in terms of the lack of effective control of the noise and the potential for disruption resulting from the noise over a prolonged period, both in terms of hours of the day and number of days of the year during the event.

The proposal was therefore contrary to the National Planning Policy Framework, Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

- 2) The application was not accompanied by sufficient information in terms of determining the likely levels of noise impact associated with the event and the requirements of any associated mitigation measures.

The proposal was therefore contrary to the National Planning Policy Framework, Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

- 3) The vehicular movements and parking provision associated with the proposed development would have a cumulative detrimental impact on road safety and the local transport infrastructure and undermine the access and signage strategy that was developed for the original Newbury Racecourse development. The applicant had failed to satisfy the Local Planning Authority that appropriate measures will be taken to mitigate the impact on road safety and the local transport infrastructure.

The proposal was therefore contrary to the National Planning Policy Framework and policies CS5 and CS13 of the West Berkshire District Core Strategy 2006 to 2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).



**(2) Application No. and Parish: 20/02993/FUL, Eddington Mill House, Upper Eddington, Hungerford**

78. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/02993/FUL in respect of Eddington Mill House, Upper Eddington, Hungerford, RG17 0HL for a detached oak framed agricultural storage barn.
79. Ms Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Development and Planning be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
80. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard did not.
81. In accordance with the Council's Constitution, Mr Alistair Fyfe (Hungerford Town Council), and Mr John Willmott (applicant) addressed the Committee on this application.

**Town Council Representation**

82. Mr Fyfe in addressing the Committee raised the following points:
- The application lacked necessary detail. There was no barn height specified in the report, and the Town Council was concerned about future dispute over the height if it was not clearly specified.
  - A number of properties currently overlook the field on which the barn would be built, and issues would be caused by the erection of an overly tall barn.
  - The Town Council was surprised by the lack of doors on the storage area of the barn, which would contain heavy machinery such as tractors, and that it would present a later security risk.
  - The Town Council believed that, if the barn was over five metres tall, it was to allow for the building of a mezzanine floor in the future, which the report did not specify.
  - The Site Section drawing (page 61), showed the existing and proposed ground level, and indicated there was a slope requiring the barn to sit about 0.75 metres into the slope. The Town Council believed this drawing to be inaccurate, with the photographs not adequately showing the size of the slope, and the height of the barn would be increased from the current ground level.
  - Accurate topographical surveying would have been useful.
  - Runoff of surface water needed to be fully considered and calculated by professionals. Properties under this postcode have previously experienced flooding, and water butts would not be adequate on a building of this size.
  - The land appeared to lack a significant number of fruit-bearing trees to warrant a storage unit of this size. There were currently three alpacas and some goats on-site. The tractor was no larger than a mower, and was currently adequately stored on-site. These facts appeared to contradict the reasoning set out by the applicant.
  - There was not a current business need for the construction of a barn of this size. A full business plan should have been provided to justify such a need.

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- The development would amount to inappropriate annexation of the domestic land, and would open up further planning opportunities on agricultural land, which should be fully considered and approved, rather than accepted as a consequence of the development.
- The house was currently under a Noise Abatement Order, and increased noise should not be exacerbated any further.
- The Town Council, accepting that public rights of way issues were dealt with separately to planning, felt that on this occasion there was substantial reason to address it now. The diversion of obstruction of the public footpath by a fence must be given consideration as part of the planning process. The Town Council requested, as a precondition, the movement of the fence to respect the historic line of the footpath, or full application for a diversion of it.
- The Town Council noted the significant number of objections, and urged the committee to fully consider the reasons for those objections and the concerns raised.
- The Town Council, citing the number of perceived inaccuracies within the application and planning report, asked that the committee reject the application.

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

83. Councillor Adrian Abbs asked Mr Fyfe to expand on comments that land had already been taken over as garden.
84. Mr Fyfe pointed to Page 58, and stated that the land was considered by the applicant to be a desolate part of his garden. It contained nothing but grass, and construction was underdoing in the centre.
85. The land from the barn to the northwest was meant to be agricultural land, and Google Earth satellite photography from 2003 to 2008 clearly illustrated crops, with the footpath around it. The latest photography, from 2017, also shows this.
86. Mr Fyfe noted that the applicant moved in afterwards, and so was not responsible for the movement of the historic footpath, but the issue was the erection of a wall that would cut it off.
87. Councillor Hilary Cole asked whether the issue of the historic footpath had been raised with the Public Rights of Way team, and noted that it was not relevant to the planning process before the committee.
88. Mr Fyfe responded that he was new to Hungerford Town Council, but that he believed that it was a running issue and had been raised with officers.
89. Councillor Hilary Cole noted that the issues raised were supposition and conjecture rather than referring directly to the application, and asked what the real concerns of Hungerford Town Council were with regards to the application.
90. Mr Fyfe responded that main issues being raised were the size and height of the development, the fact that it was overlooked, and concerns over the accuracy of the plans submitted.

### **Applicant Representation**

91. Mr John Willmott in addressing the Committee raised the following points:
  - Mr Willmott ran a business that operated three restaurants, specialising in natural, healthy food, and believing in sustainability, with home-grown, organic produce.

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- The site was acquired in 2017 in order to upgrade the existing facilities that were there, including 36 apple trees. The site itself previously contained allotments that were used for growing fruit and vegetables. A piece of agricultural land next to the mill had additionally been acquired.
- The historic footpath has been undisturbed, and had already been redirected by a neighbour expanding the boundaries of their land, which was currently being dealt with by officers. The only proposal was a small fence around it.
- The reason for the application was that the restaurant business was expanding, and required additional grown produce. A business plan was created for the application, which projected a small profit in the first year.
- Noise pollution was unlikely, as there were few animals. The Noise Abatement Order was due to guinea fowl and peacocks, which had either been removed completely or relocated to a different site.
- Runoff water would be dealt with through the use of land drains, and there was no intention to use water butts.
- The animals on site were used for personal hobby farming, as well as for the restaurants.
- The garden that was referred to, was in fact just a lawn, associated with the house. Mr Willmott expressed that he did not understand what the issue with the lawn was.
- Mr Willmott offered to accept a condition that a mezzanine not be built, as there was never an intention to build a mezzanine. The building was to house a cheap, second-hand tractor, and was protected by electrical gates, making a security issue unlikely.

### **Member Questions to the Applicant**

92. Councillor Carlyne Culver asked whether the four sheds Mr Willmott had offered to take down as part of the application process were measured in feet or metres.
93. Mr Willmott responded that it was measured in feet.
94. Councillor Culver additionally noted that Mr Willmott's intention was to grow fresh produce, but there was no proposal for a storage facility, and asked why there was no such proposal. Councillor Culver noted that only fruit was currently being grown.
95. Mr Willmott responded that the kitchen of the house would be used for storage, and that there was an intention to begin growing vegetables.
96. Councillor Culver asked what would happen to the goats once the goat shed had been demolished.
97. Mr Willmott responded that the goat shed was very small, and the plan was to move it to a different part of the site. Fencing would be changed to accommodate the animals.
98. Councillor Abbs asked what the extent of the agricultural land feeding into the barn would be.
99. Mr Willmott showed the photograph depicting the far end of the site (Page 67) and explained where the 36 fruit trees were located. The space between the fence posts and the orchard would be the agricultural land on which the vegetables would be grown.

## **WESTERN AREA PLANNING COMMITTEE - 1 SEPTEMBER 2021 - MINUTES**

100. Mr Willmott added that the land to the south was the front lawn of the mill, with landscaping ongoing behind the horse chestnut tree.

### **Ward Member Representation**

101. Councillor James Cole in addressing the Committee raised the following points:

- There was no reason to reject an application with an agricultural basis.
- Attending the site visit, he had observed that the grass had been cut very short, which did not seem consistent with agricultural use. Instead, he accepted that this was largely hobby farming.
- He had no issue with the proposed use of the barn for the storage of a tractor and other farming items and produce. Additionally, Councillor Cole
- He noted a comment made by a committee member during the visit that any animals on site would have difficulty producing milk.
- There was a lack of a clear business plan justifying the consideration of the application as an agricultural one. Additionally, he could not see that the size of the tractor justified the size of the barn proposed.
- The comments from Hungerford Town Council regarding the effect of the barn overlooking other residents were justified, and should be considered.
- There was a history of flooding in the area, and he expressed relief that water butts were not being considered as they would not be effective against rainfall. He expressed surprise that there was no sustainable drainage plan for a proposal on permeable land.
- The historic footpath should be reinstated to its original route and the applicant be required to install adequate fencing.
- Councillor Cole stated that he was not in favour of the proposal as it stands, but did ask that if it were approved, the agricultural conditions be tightened, and that Condition 7 about existing sheds be made more precise, with the ground reinstatement be conditioned to be green.

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

102. Members did not have any questions of clarification.

### **Member Questions to Officers**

103. Councillor Abbs asked whether a proposal that involves an illegal diversion of a footpath would set a precedent, or whether it should be rejected outright.

104. Mr Simon Till responded that principal planning legislation and guidance states that where other legislation deals with a matter, that planning should not address that matter. In this case, the footpath legislation would address potential issues with the historic footpath, and therefore not set a precedent.

105. The Chairman asked for detailed plans, not just levels, to provide reassurance that the development did not have any impact on the public right of way. Ms Kirby responded that the submitted drawing was from the Public Right of Way Officer, showing a definitive line of the public right of way, which the building did not sit on. The fence did sit on the line, however, this was an issue for Public Rights of Way legislation. Councillor Hilary Cole pointed the Chairman to Page 47, 52-53, stating that there was no objection from Public Rights of Way.

## **WESTERN AREA PLANNING COMMITTEE - 1 SEPTEMBER 2021 - MINUTES**

106. Councillor Abbs asked whether there was any legislation about the proportions of buildings on types of agricultural land.
107. Mr Till responded that there was no such legislation or regulation about a proposal of this size.
108. Councillor Howard Woollaston asked whether there would be any external lighting.
109. Ms Kirby responded that this was a suggested condition due to this being an area of Outstanding Natural Beauty and the Dark Skies Policy.

### **Debate**

110. Councillor Hilary Cole opened the debate by stating that she understood the concerns of the objectors and Hungerford Town Council, but they were largely based on future applications rather than the one currently being considered. The question was whether the building was appropriate for its intended use, of which she was satisfied that it was. Without a valid reason to reject it, there was no reason not to grant planning permission.
111. The Chairman asked whether there were any amendments to the Officer's recommendation, such as additional conditions. No additional conditions were proposed.
112. Councillor Hilary Cole 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 Jeff Cant.
113. 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 Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

### ***Conditions***

#### **1. Commencement of development**

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

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

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

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

- Location Plan 43350/01 received 6th January 2021;
- Proposed Plans and Elevations 43350/03 received 6th January 2021;
- Design and Access Statement received 18th December 2020;
- Ecology Letter received 18th May 2021;
- Updated Ecology Letter received 24th May 2021;
- Block Plan 43350/05 received 23rd July 2021;
- Site Section 43350/04 received 7th July 2021;
- Building Removal Plan 43350/02 received 9th August 2021.

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

#### **3. Materials as specified**

## **WESTERN AREA PLANNING COMMITTEE - 1 SEPTEMBER 2021 - MINUTES**

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. Lighting strategy (AONB)**

No external lighting or floodlighting shall be installed to the barn until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed WHERE except in accordance with the above strategy.

Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **5. Biodiversity measures**

The building shall not be brought into use until the following biodiversity measures have been installed/constructed:

- (a) One integral bat box into the barn in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- (b) One bird nesting opportunities in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **6. Ecological mitigation**

All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecology letter received 18th May 2021 and the Updated Ecology Letter received 24th May 2021, in accordance with the approved details and before first use of the building.

Reason: To ensure there are no significant impacts on the local designated areas. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **7. Demolition of existing buildings**

The building shall not be brought into use until the existing buildings have been demolished, and all spoil removed from the site, in accordance with the Building Removal Plan 43350/02 received on 9th August 2021.

Reason: To ensure that the site is not proliferated with a significant number of buildings which would have a negative visual impact on the sensitive character and appearance of the site and the AONB. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **8. Agricultural use (additional)**

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The agricultural storage barn hereby permitted shall be used only for purposes ancillary to the agricultural use of the wider application site. It shall not be let, sold or disposed of separately from the main dwelling known as Eddington Mill House, Upper Eddington, Hungerford, RG17 0HL.

Reason: To ensure the building remains available for agricultural use and to prevent the creation of a separate planning unit which would conflict with the strategy for the location of new development, and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.

**9. Ground levels and finished floor levels (additional)**

No development shall take place until details of existing and proposed ground levels, and finished floor levels of the building, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006). A pre-commencement condition because inadequate land ground level details have been submitted with the application.

**(3) Application No. and Parish: 20/02245/FUL, Swan Inn, Newbury Road, Great Shefford**

This Item was withdrawn prior to the commencement of the meeting.

*(The meeting commenced at 6.30 pm and closed at 9.32 pm)*

**CHAIRMAN** .....

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

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# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 22 SEPTEMBER 2021

**Councillors Present:** Phil Barnett, Dennis Benneyworth (Chairman), Hilary Cole, Carolyne Culver, Clive Hooker, Erik Pattenden (Substitute) (In place of Adrian Abbs) and Tony Vickers (Vice-Chairman)

**Also Present:** Sharon Armour (Solicitor), Stephen Chard, Gordon Oliver (Corporate Policy Support) and Simon Till (Western Area Planning Team Leader)

**Apologies for inability to attend the meeting:** Councillor Adrian Abbs, Councillor Garth Simpson and Councillor Howard Woollaston

**Councillor(s) Absent:** Councillor Jeff Cant

#### PART I

#### 17. Minutes

The Minutes of the meeting held on 21 July 2021 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

- **Point 7, page 5:** the word 'not' had been omitted and the first line should read: 'The Minutes of the meeting held on 30 June 2021 were not available for this meeting';
- **Item 1, page 15, paragraph 46:** the word 'would' to be replaced with 'could'.

#### 18. Declarations of Interest

There were no declarations of interest received.

#### 19. Schedule of Planning Applications

##### (1) **Application No. and Parish: 21/00596/HOUSE, Spindlewood, 50 High Street, Kintbury, Hungerford**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/00596/HOUSE in respect of Spindlewood, 50 High Street, Kintbury. Approval was sought for erection of 6.06m x 2.44m outbuilding in the front garden of Spindlewood (50 High Street, Kintbury) - right side of the garden when looking at the property from the road - to include a storage area, kennel and small home office.
2. Scott Houston, 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 for Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

## **WESTERN AREA PLANNING COMMITTEE - 22 SEPTEMBER 2021 - MINUTES**

3. In accordance with the Council's Constitution, Ms Sophie Meaney, applicant, addressed the Committee on this application.

### **Applicant Representation**

4. Mrs Sophie Meaney in addressing the Committee raised the following points:
  1. The proposal had been comprehensively described by the Planning Officer in his presentation.
  2. The plot was unusual in that it had a small rear garden and a large front garden, so it was not possible to put the outbuilding at the rear of the property.
  3. They had tried hard to minimise any impact from the proposal and it would not be visible from the road.
  4. The proposed building was small and practical.
  5. There would only be a very slim view of the structure through the slats in the fence.

### **Member Questions to the Applicant**

5. Councillor Tony Vickers asked if there would be surface drainage associated with the proposed structure. Mrs Meaney replied that the proposal was limited to the shed only.
6. Councillor Phil Barnett noted that it would be used as a home office and asked if the applicant intended to use it long-term or just temporarily. Mrs Meaney indicated that she and her husband worked from home and expected to continue to do so for the foreseeable future.
7. Councillor Carlyne Culver asked about the likely use of the building as a kennel, including the number of dogs and times of day, and highlighted the potential for associated noise impacts. Mrs Meaney stated that they had one dog and they only intended to use the kennel for short periods so the dog could dry off after muddy walks.
8. Councillor Clive Hooker noted that the main concern expressed by the Parish Council appeared to be colour and asked the applicant for her thoughts on this. Mrs Meaney indicated that she would be happy for the rear to be painted green to blend with the garden. However, she indicated that she would prefer the rest to be painted black to match the fence.
9. Councillor Erik Pattenden asked how the building would be partitioned and the relative proportions of the proposed uses. Mrs Meaney confirmed that it would be divided as follows –  $\frac{1}{4}$  kennel,  $\frac{1}{4}$  storage,  $\frac{1}{2}$  office.

### **Ward Member Representation**

10. Councillor James Cole in addressing the Committee raised the following points:
  - The application had been called in at the request of the Parish Council and as Heritage Champion, he understood that large lumps of black did not sit well in the street scene within the Conservation Area.
  - The Parish Council did not want to see a shed next to the road and felt that it would set a precedent for other houses in the Conservation Area.
  - The Parish Council did not accept that the colour was acceptable within the Conservation Area.

## **WESTERN AREA PLANNING COMMITTEE - 22 SEPTEMBER 2021 - MINUTES**

- Residents who bought a property within a Conservation Area should accept the need to fit in with the existing scene.
- From the site visit, Members had seen that there was already a large lump of black in the form of a fence. A Member of the Committee had suggested that the fence was higher than the permitted 2m. Members had assumed that the fence belonged to the next-door property, but he had been advised that it belonged to No. 50. He questioned whether the fence had been given planning permission.
- He noted from the update sheet that Planning Officers considered the black colour to be appropriate and reference other examples of black timber cladding within the High Street Conservation Area, including at Sycamore Farm and Osmington House, 70m to the north-west.
- He had asked a Parish Councillor involved in the Conservation Area reassessment programme to have a look. They had confirmed that as far as the view onto the road was concerned, Osmington House had a hedge and flint wall, which was in keeping with the Conservation Area and did not have a large splodge of black. Also, Sycamore Farmhouse had no black. The ex-farm buildings next-door did have a small amount of black, traditional for cladding on farm buildings, amounting to 25 – 30 percent of the frontage and set back off the road. He did not consider this to be a major expanse and was brown rather than black.
- Other houses in the Conservation Area had a hedge or brick / flint walls.
- The proposed use of black in bulk was out of keeping with the Conservation Area.
- The hedge helped and much of the foliage would last through the winter, but the fence was the problem.
- Drainage needed to be conditioned if the application was approved.
- If the owner wanted to keep the outlook from their front door black, he did not have a problem with that, but the Committee should accept the Parish Council view and condition that the side of the structure facing the road should be painted dark / mid-green to break up the black colour block.
- If the existing fence was shown not to have planning permission, it should be replaced with something more in keeping with the Conservation Area and repainted more appropriately.

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

11. Councillor Hilary Cole asked if Councillor James Cole was speaking on behalf of the Parish Council and if he was a Member of the Parish Council. She noted that there was no Parish Council representation.
12. Councillor James Cole confirmed that he was not a Member of the Parish Council and did not live in Kintbury. However, he regularly spoke to them and attended meetings. He had spoken to the Parish Councillor coordinating the reassessment of the Conservation Area, and reiterated that he was Heritage Champion for West Berkshire.
13. Councillor Vickers asked about the level of the proposed development site relative to the rest of the property. Councillor James Cole indicated that the shed would be sited on a flattened area that sat a little above the road. He suggested that it would be sensible to have a drainage condition.

### **Member Questions to Officers**

## **WESTERN AREA PLANNING COMMITTEE - 22 SEPTEMBER 2021 - MINUTES**

14. Councillor Vickers asked if it was usual where adding to the building footprint to have a drainage condition. Mr Simon Till, Principal Planning Officer (Team Leader – Berkshire West) indicated that this would be addressed by Building Regulations. He noted that a building of this scale would usually be permitted development, but it was in a Conservation Area and it was to the front of the property, so permitted development did not apply. He indicated that he would be happy to include a condition on drainage.
15. Councillor Culver asked if there was any precedent for approving outbuildings in front gardens within the Conservation Area. Mr Till was unable to comment on any district-wide survey, but reminded Members of the need to consider each application on its own merits. He suggested that there would be many cases where an outbuilding in the front garden would be considered unacceptable and design guidance sought to avoid this. However, in assessing the site, consideration had been given to the constraints of the site, and the Planning Officer and Conservation Officer were content that the proposed building would not give rise to undue visual interference in the character and appearance of the Conservation Area. He accepted that for other sites, this may not be the case.

### **Debate**

16. Councillor Hooker opened the debate by expressing his disappointment that the Parish Council had not been present to make representations. He noted that the application had come to Committee due to the Parish Council's objection. He indicated that he was relaxed about the application and was in agreement with Planning Officers. He noted that much had been made of the fence height, but stressed that this aspect was not being considered as part of this application and should not influence the Committee's decision. He agreed that the issue of drainage should be addressed but noted that this would normally be picked up through Building Regulations. He suggested that a condition would simply require a drainpipe to a soakaway. He reiterated the point that this would be permitted development in other locations.
17. Councillor Barnett agreed with Councillor Hooker's concern that a small application had incurred a lot of time and expense by bringing it to Committee. He had few concerns about the proposal, but asked what services would be required other than electricity. He noted that a hardstanding was already in place, but the drive and front garden consisted of hardcore and free-draining materials, so he questioned the need for a drainage condition.
18. Councillor Hilary Cole noted that there had been much made of the colour of the building - Councillor James Cole had referred to "lumps of black". However, the photographs showed that the hedge obscured the building, so she did not feel that the colour was an issue. She had been informed by a garden designer that things painted green did not blend with the foliage, while black was a recessive colour. Therefore, she did not feel a condition should be imposed requiring the applicant to paint the rear of the building green. She indicated that she took a dim view of the Parish Council failing to attend to make a representation, when the application had been called to Committee due to their objection, and highlighted the time and cost implications of this. She indicated that she would support the Officer recommendation.
19. Councillor Vickers indicated that he was content with Mr Till's response to his question on drainage, but he felt that it was an important issue where people had expressed concern. He highlighted the importance of screening for the proposed development and asked if a condition could be imposed to retain the hedge and see

## **WESTERN AREA PLANNING COMMITTEE - 22 SEPTEMBER 2021 - MINUTES**

it reinstated if it was to be lost to disease. Mr Till noted that due to the Conservation Area, the hedge would be protected from deliberate destruction without prior approval. He explained that it was not reasonable in planning terms to seek retention of a hedge in perpetuity, but it would be possible to apply a condition requiring the hedge alongside the High Street to be retained for a period of five years, with any shrubs that died or were lost to disease in this time to be replaced.

20. Councillor Vickers proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, with an additional condition relating to the retention of the hedge alongside High Street to be retained for a period of five years, with any shrubs that died or were lost to disease in this time to be replaced. This was seconded by Councillor Hooker.
21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Hooker to grant planning permission. At the vote the motion was carried.

**RESOLVED** that the Service Director for 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:

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

#### **3. Materials (as specified / to match)**

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

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies 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. Incidental use**

The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes incidental to the residential use of the dwelling known as Spindlewood, 50 High Street, Kintbury.

Reason: The creation of a separate planning unit would conflict with the strategy for the location of new development, and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.

#### **5. Soft landscaping**

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The existing hedge to the site boundary alongside the High Street shall be retained throughout the course of development of the building hereby approved and for a period of 5 years following its first occupation.

During this time any trees or shrubs within the hedge that are removed, die or become diseased shall be replaced by trees or shrubs of a similar variety and size except where agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the character and appearance of the street scene and conservation area in accordance with the objectives of the NPPF (July 2021) and Policy CS14, CS18, and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### ***Informatives***

#### **1. 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. Compliance with approved drawings**

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

#### **3. Compliance with conditions**

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

#### **4. Building Regulations**

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given.

You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: [building.control@wokingham.gov.uk](mailto:building.control@wokingham.gov.uk), or visit: [www.wokingham.gov.uk/building-control](http://www.wokingham.gov.uk/building-control).

#### **5. Hedge Protection Informative**

- To ensure that the hedge, which is to be retained, is protected from damage, ensure that all works occur in a direction away from the hedge.
- In addition that no materials are stored within close proximity i.e. underneath the canopy of hedge to be retained.

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- Ensure that all mixing of materials that could be harmful to hedge roots is done well away from hedge (outside the canopy drip line) and downhill of the hedge 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 hedges' 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.

*(The meeting commenced at 6.33 pm and closed at 7.19 pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	21/01519/FUL Enbourne	23/08/2021 <sup>1</sup>		1. Construction of stabling and hard standing; 2. Change of use from agricultural to a mixed agricultural/equestrian use; 3. Soft landscaping scheme.  Land West Of Pumping Station, Enborne Row, Wash Water  Charles Doherty

<sup>1</sup> Extension of time agreed with applicant until TBC

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01519/FUL>

**Recommendation Summary:** To delegate to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the conditions

**Ward Member(s):** Councillor James Cole  
Councillor Claire Rowles  
Councillor Dennis Benneyworth

**Reason for Committee Determination:** Member call in

**Committee Site Visit:** 7<sup>th</sup> October 2021

## Contact Officer Details

**Name:** Cheyanne Kirby  
**Job Title:** Planning Officer  
**Tel No:** 01635 519489  
**Email:** Cheyanne.kirby@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.
- 1.2 The application site is an agricultural field located to the northern bank of the River Enborne and the edge of the North Wessex Downs AONB, to the east is a pumping station and the northern boundary faces the main road Enbourne Row, Wash Water. The area is surrounded by scattered dwellings and agricultural fields.
- 1.3 The proposal is for the housing of two children's ponies which includes 2 loose boxes, tack room, feed/bedding store, hardstanding, 2 car parking spaces, manure skip and division of land into 4 paddocks with hedgerow and post and rail fencing.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
20/02039/FUL	Construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.	Refused 9 <sup>th</sup> April 2021

## 3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 12<sup>th</sup> August at the application site; the deadline for representations expired on 3<sup>rd</sup> September 2021.
- 3.3 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### ***Statutory and non-statutory consultation***

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Enbourne Parish Council:</b>	Object – Road Safety Access onto the highway, clearly there are Health & Safety concerns for horse riders and vehicle drivers.
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<b>Basingstoke and Dean Borough Council:</b>	No Objection
<b>East Woodhay Parish Council:</b>	No Comments or Objections - Does not support development along the boundaries of the Parish and is keen to ensure that encroachment into the countryside does not result in the joining up of the Parish with neighbouring parishes, with all green space taken over by new development. A position that is supported by the emerging East Woodhay Neighbourhood Plan.
<b>WBC Highways:</b>	Conditional Approval
<b>SUDS:</b>	Any response received will be added to the update sheet. Response on previous application of no objections subject to condition as recommended below.
<b>Minerals and Waste:</b>	No Response
<b>Trees:</b>	Conditional Approval
<b>Animal Welfare:</b>	No Further Comments

### ***Public representations***

- 4.2 Representations have been received from 3 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Previously promoted for residential use
  - Approval will mean it will become brownfield land
  - Address of applicant not in area
  - Welfare concerns
  - Waste management
  - Road safety
  - Drainage/surface water run-off
  - Contamination

## **5. Planning Policy**

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP2, CS12, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies ENV.29, OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
  - Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highways
- Waste
- Other matters

### ***Principle of development***

6.2 The application site lies outside a defined settlement boundary, within the context of planning, the site is classified as being located within the countryside.

6.3 Planning Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates the site as being within the open countryside for planning purposes. Policy ADPP1 states that development in West Berkshire will follow the existing settlement pattern, and that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 The proposal is for the housing of two children's ponies which includes 2 loose boxes, tack room, feed/bedding store, hardstanding, 2 car parking spaces, manure skip and division of land into 4 paddocks with hedgerow and post and rail fencing.

6.5 Policy CS12 promotes equestrian related development proposals that strengthen the rural economy and offer increased opportunities for the enjoyment of the countryside in a sustainable manner. The policy goes on to say development associated with equestrian activities is in keeping with the location in terms of the scale, form, impact, character and siting.

### ***Character and appearance***

6.6 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.

6.7 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District by considering the natural, cultural and functional

components of its character as a whole. Particular regard will be given to the sensitivity of the area to change and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.8 Policy ENV.29 Development Involving Accommodation for Horses of the West Berkshire Saved Policies set out criteria in which applications should be considered when assessing equine applications;

(a) the proposed buildings have been designed to blend in with the rural surroundings; and

(b) the scale and location of such buildings and their use would not cause a material loss of amenity for the occupants of adjoining properties or other users of the countryside; and

(c) there is sufficient space provided for the ancillary storage of food stuffs, bedding, tack and related equipment on a scale appropriate to the number of horses being accommodated; and

(d) there is sufficient land being provided with the field shelter and / or stable to accommodate the number of horses; and

(e) the access to and from the public highway is in a location and form which would prevent any hazard to riders and other users of the highway.

Notwithstanding the above factors such buildings will be unacceptable if they appear to urbanise an attractive rural area or spoil a key view or vista.

6.9 The primary concern relates to criteria (d) and (e) of Policy ENV.29. The additional text for this policy states “Furthermore regarding criterion (d) the British Horse Society suggest a minimum of 0.6 hectares (1.5 acres) of pasture per horse is required”. The application site is 0.7 hectares in size meaning that the site is below the British Horse Society suggest a minimum. Whilst the land available is below the suggest minimum the agent has provided details stating that the proposed scheme is for two children’s ponies which need to have access to limited and carefully managed grazing as well as being supplemented with forage and hard feed in order to prevent medical problems.

6.10 Criteria (e) looks at the impact on the highway, Enbourne Row is a classified C road of national speed limit therefore there is concern in regards to hazard to riders; however the access is located on a straight section of the road and therefore the visibility splays to access are clear, there are other equine developments within the area and a public right of way (ENBO/12A/1) located approximately 270m to the north-west which leads onto a public bridleway.

6.11 It has been considered that the proposed scheme is considered acceptable as the equestrian development is small in scale and for private use there will also be additional landscaping which will be an ecological enhancement.

### ***Neighbouring Amenity***

6.12 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.

6.13 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.

- 6.14 Due to the location of the proposal and the distance from neighbouring dwellings there is not considered to be a signification impact on neighbouring amenity.

### ***Highways Matters***

- 6.15 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.
- 6.16 The details have been assessed by the highways officer and considered acceptable; conditions will be applied to the decision notice to ensure the access and parking is suitable and improve highways safety.

### ***Flooding and Drainage***

- 6.17 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 addresses issues regarding flood risk.
- 6.18 The application site falls mainly within Flood Zone 1 with the southern boundary Flood Zones 2 and 3 due to being close proximity to River Enbourne. A flood risk assessment has been submitted and the proposal has been assessed by the Council Drainage Engineer and has been considered acceptable and a condition will be applied to the decision notice.

### ***Waste***

- 6.19 The mineral and waste officer assessed the previous proposal and made the following comments as part of that application;
- 6.20 According to the Government website: <https://www.gov.uk/farm-and-livery-horses/dealing-with-waste>, 'horse manure is not considered a waste if the following apply:
- it is used as soil fertiliser
  - it is used lawfully for spreading on clearly identified pieces of agricultural land
  - it is only stored to be used for spreading on agricultural land
- 6.21 If you store or spread horse waste near to water, it can be a health hazard and could harm the environment. You will need to follow rules on Nitrate Vulnerable Zones and follow rules on the pollution of groundwater'.
- 6.22 If the soiled bedding and manure is not used for one of the purposes stated above, then the applicant should ensure a requisite waste transfer permit is obtained from the Environment Agency before this activity commences.

### ***Animal Welfare***

- 6.23 Concerns have been raised in regards to the applicants address, the suitability of the land and the impact this may have on animal welfare; therefore the Environmental Health Animal Welfare Officer was consulted. Whilst there is concern in regards to animal welfare which has led to further consultation on this it is noted that animal welfare laws are not a consideration of the planning process. The Animal Welfare Officer raised concerns in the previous application in regards to the applicant address and the impact

this will have on daily checks; however the officer had no further comments to add as part of the current application.

- 6.24 Secondly, the amount of land available for 2 equines and thirdly the suitability of the land due to proximity to the River Enbourne. The agent submitted a further justification statement on the 30<sup>th</sup> September 2021 by Kernon Countryside Consultants Limited to address the concerns raised by the previously refused application. Firstly, concerns in regards to amount of land available the DEFRA Code of Practice recommends a ratio of 1 horse to 0.5 – 1ha for permanent grazing, if no supplementary feed is being provided. DEFRA also states that a smaller area may be adequate where a horse is principally housed, and this is subject to numerous factors such as the size of horse/pony and the length of time they are grazing for. The British Horse Society recommends 0.4 to 0.6 hectares per horse on permanent grazing (April 2021), but this varies depending upon size and type of horse, weight, amount of time stabled, type of year, type of pastureland, management etc. The equines will also be stabled/have access to stables and would therefore not be grazed on the land full time. The consultant has highlighted that some equines require limited grazing due to health conditions such as laminitis which can be life threatening to some equines.
- 6.25 Secondly, the matter of highway safety in that The Highway Code sets out the rules for horse riders and how to be safe. With rules 50, 52 and 53 of The Highway Code setting out how to safely prepare for riding on the road, how to be safe once on the road and the requirements for helmets for children under 14 years of age. Rules 204 – 205 set out the rules for road users requiring extra care, with rule 205 specifically referring to horse riders. Rule 253 sets out that horse riders, amongst other groups including pedestrians, are prohibited from using motorways and that if there was overriding concerns over the safety of horse riders on the road, then the Highway Code would prohibit them from using the road entirely. Therefore, horse riders and young horse riders, as long as they follow the Highway Code rules, can use highways and country lanes safely. Wash Water Lane is a B road, and therefore, horses are not prohibited from its use. It is understood that there are a variety of private stables, a livery yard, and a riding school within 2 miles of the site, all of which are likely to have young riders using their premises and using the roads in the area. The justification goes on to state that West Berkshire has a high volume of equestrian facilities both private and commercial, of which a vast majority will most likely use the local road network.
- 6.26 Given the justification submitted addressing the animal welfare concerns and highways safety it would appear that through careful management that the land is suitable for small scale equine use and that the highway safety concerns have been addressed and therefore the proposal is considered acceptable.

### ***Other Matters***

- 6.27 Comments have been raised in regards to submission of the site previously for residential use and that change of use of this land would lead to further development; the application has to assess on what has been submitted and relevant policies it would be unreasonable for the council to refuse the application on the potential future development. Any further development or change of use would have to comply with relevant planning policies at that time; equestrian development does not benefit from the permitted development rights as other uses.

## **7. Planning Balance and Conclusion**

- 7.1 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the

Government's view of what sustainable development in England means in practice for the planning system.

- 7.2 Whilst perhaps the proposal makes no significant contribution to wider social and economic roles of planning given the scale and nature of the development it is not considered to be harmful.
- 7.3 With regard to the environmental role contributing to protecting and enhancing our natural, built and historic environment is fundamental. The impact on the character and appearance of the surrounding area has been assessed as part of this application, and it is considered that the proposal on balance would respect the prevailing pattern of development.
- 7.4 For the above reasons it is considered that the proposed development is supported by the presumption in favour of sustainable development.
- 7.5 For the reasons given above it is considered that the proposal on balance accords with the criteria of the National Planning Policy Framework and Policies ADPP1, ADPP2, CS12, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS), and Policies ENV.29, OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

## 8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Design and Access Statement dated May 2021 received 1<sup>st</sup> 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;            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;            SUDS Construction Details 7751/07 received 14<sup>th</sup> December 2020;            SUDS Drainage Strategy 7751/501A received 14<sup>th</sup> December 2020;            Flood Risk Assessment and Drainage Strategy Issue 3 7751 Dated April 2021 received 1<sup>st</sup> June 2021.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>



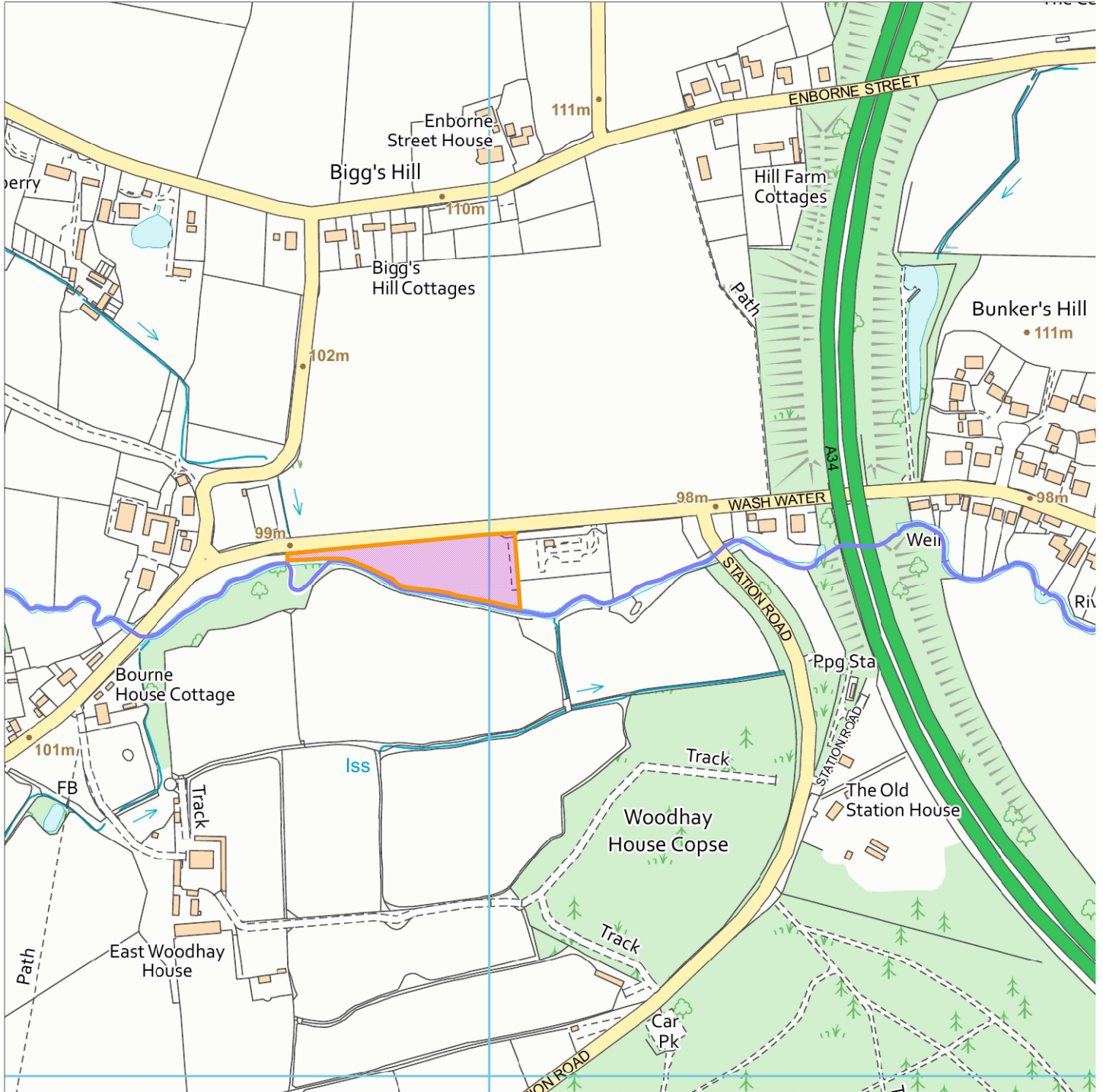
3	<p><b>Materials as Specified</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the application form.</p> <p>Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with 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).</p>
4	<p><b>Parking/turning in accord with plans</b></p> <p>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.</p> <p>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).</p>
5	<p><b>Access Closure with reinstatement</b></p> <p>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.</p> <p>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).</p>
6	<p><b>Environment Agency</b></p> <p>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.</p> <p>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 caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.</p>
7	<p><b><u>SUDS</u></b></p> <p>The development hereby permitted shall not be brought into use until the drainage measures identified in the submitted Report No. 7751 Issue No 2 and Drawing No. 7751/501A and 7751/07 have been implemented in accordance with the approved details. The drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>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</p>

	CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).
8	<p><b><u>Landscaping</u></b></p> <p>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.</p> <p>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.</p> <p><b>Reason:</b> 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.</p>
9	<p><b>Private equestrian use only</b></p> <p>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 liveries.</p> <p>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).</p>
10	<p><b>Number of horses</b></p> <p>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.</p> <p>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 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).</p>
11	<p><b>Use of stables</b></p> <p>No trade, business or commercial use of any kind shall be carried out from the stables and parking area permitted in this scheme.</p> <p>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).</p>

### ***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.

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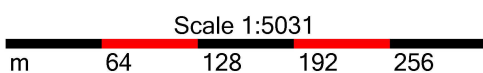
Map Centre Coordinates :

Scale : 1:5031

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	01 October 2021
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	21/01038/HOUSE Newbury Wash Common	1 <sup>st</sup> July 2021 <sup>1</sup>	Two storey extension to the side and single storey extension to the rear.  1 Croft Road, Newbury  Martin Redford

<sup>1</sup> Extension of time agreed with applicant until 23<sup>rd</sup> July 2021

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01038/HOUSE>

**Recommendation Summary:** To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to conditions

**Ward Members:**  
Councillor Adrian Abbs  
Councillor David Marsh  
Councillor Tony Vickers

**Reason for Committee Determination:** Called in by Councillor Abbs so that the Committee can consider the massing of the extension.

**Committee Site Visit:** 15<sup>th</sup> July 2021

## Contact Officer Details

**Name:** Masie Masiwa  
**Job Title:** Planning Officer  
**Tel No:** 01635 519111  
**Email:** Masie.masiwa@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for the construction of extensions to 1 Croft Road.
- 1.2 The application site is located in an established residential area within the settlement boundary of Newbury. The application property is a semi-detached, two storey dwelling with vehicular parking to the front and a private garden to the rear. The lie of the land is such that the land slopes up towards south and the neighbouring properties to the west lie at a lower ground level.
- 1.3 The works proposed as part of this application include extensions to the side and rear of the dwelling. The side extension would be two storey and would fill the width of the site. It would be set slightly back from the front elevation and would have a lower ridge height. However, the eaves height would match that of the main dwelling. It would be traditional in its design with materials to match the main dwelling. To the rear, a single storey extension of contemporary design would be added. This extension would be set away from the western and eastern boundaries of the site but a section of overhanging roof, which creates a covered walkway from the garage to the rear garden, would be constructed up to the western boundary. Large areas of glazing are proposed on the rear elevation and long windows are proposed on each of the side elevations.
- 1.4 The internal layout of the property would be re-arranged in order to create a snug/study, open-plan kitchen, dining and living room, utility room and accessible shower room on the ground floor and three good sized bedrooms and a wheelchair accessible bathroom at first floor level. In addition, there would be a new integral garage within the side extension.
- 1.5 In addition to the extensions, the application proposes the construction of a new timber, close board fence along the eastern boundary of the application site. This fence would be constructed adjacent to the existing boundary fence and is proposed to be between 2.3 metres and 2.5 metres in height.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
20/00173/HOUSE	Two storey extension to the side and single and double storey extension to the rear.	Withdrawn 19/3/20

## 3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.



- 3.2 A site notice was displayed at the site on 18<sup>th</sup> May 2021; the deadline for representations expired on 8<sup>th</sup> June 2021.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). This application seeks consent for the creation of new residential floorspace of less than 100 sq. m and it would therefore seem unlikely that the scheme would be CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Newbury Town Council:</b>	No comment due to the conflicting evidence from applicant and neighbours. This application needs to be decided by planning Officers. However, the real concerns of neighbours should be acknowledged. Councillor Tony Vickers abstained.
<b>WBC Highways:</b>	No comments.
<b>Tree Officer:</b>	The site lies within the settlement boundary of Newbury. The birch tree in the neighbouring garden is noted. Overall, the proposal is not considered to impact on nearby garden trees and shrubs.  Conclusion: no objections to the details as submitted as the works are not considered to impact on significant scale trees. Please apply tree protection precautions informative note.
<b>Access Officer:</b>	No response received.

### *Public representations*

- 4.2 Representations have been received from 5 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Design does not follow the established pattern of extensions in the locality.
  - Extensions are not subservient to the original house.

- The glazing is a dominant feature which will direct light pollution towards the neighbouring properties.
- The plans do not clearly indicate the relationship between the extension and neighbouring properties.
- The rear extension will cause unnecessary shading and loss of daylight/sunlight to neighbouring properties. The rear extension should be reduced in size.
- The changes to the fencing are excessive and will add to the loss of light to the neighbouring site.
- The loss of a parking space will lead to more on-street parking.
- The block plan does not accurately show how the extensions will impact the neighbouring sites.
- The plans do not accurately show what will be constructed on site.
- The side extension overhangs the neighbouring property so the extension should be set away from this boundary.
- The changes in ground level must be considered.
- New windows will overlook the neighbours.
- The application is not accompanied by an Arboricultural report to consider the effect on trees.
- Details of the pre-application advice should be verified.
- The pitched roof should be removed from the rear.
- The side windows should be removed from the scheme as sufficient light can be gained from the rear facing windows.

## 5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, CS13, CS14 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highway matters
- Trees
- Other matters

### ***Principle of development***

- 6.2 The application site lies within the settlement boundary of Newbury where there is a general presumption in favour of development. Therefore, the principle of extensions to this residential property is acceptable. However, the impact of the works on the character of the area, neighbouring amenity, highway safety and on trees must be carefully considered.

### ***Character and appearance***

- 6.3 This application seeks permission for the addition of extensions to the main dwelling at 1 Croft Road and internal alterations in order to create a new layout. The application form states that the proposals are to provide access within the property for a disabled person and to provide facilities designed to secure greater safety, health and comfort.
- 6.4 The proposal consists of a two storey extension to the side of the property, a single storey extension to the rear and a new fence along the eastern boundary.
- 6.5 The application property is one of a pair of semi-detached dwellings which face onto Croft Road. The attached neighbouring dwelling at no. 3 has benefitted from a previous two storey side extension and therefore, this new structure would help to balance the visual appearance of the properties when viewed from the road. The extension to no. 1 would follow a similar design to that of the existing extension to no. 3 with a modest set-back from the front wall and a slightly reduced ridge height. Whilst the eaves height of the extension to no. 1 has not been set down, it is not considered that this has any significant impact on the street scene view of the properties. It would usually be desirable for two storey side extensions to be set away from the boundary of the property. This is primarily to avoid a terracing effect where the character of the area is semi-detached or detached properties. In this instance, the new structure would be built up to the western boundary of the site. However, it is not considered that this would have a detrimental impact on the street scene due to the location of the site adjacent to the rear garden of the neighbouring property on Wendan Road. This ensures that the sense of spaciousness currently enjoyed would not be unduly eroded as a result of this extension. Moreover, it is noted that the extension at no. 3 has been constructed up to the common boundary and this proposal would therefore match the neighbour, presenting a more pleasing street scene view.
- 6.6 With regards to the rear extension, this has been designed in a contemporary style, with a mono-pitched roof combined with an area of flat roof. Objectors to the scheme have raised concern that this design would not be in keeping with the character of the area and would not remain subservient to the main dwelling. It is acknowledged that the general character of the properties in the immediate surrounding area is traditional. However, this does not automatically render the proposed addition of a contemporary structure unacceptable. The location of the extension to the rear of the dwelling ensures that it would mostly be screened from the road by the existing dwellings. Whilst glimpses of the structure may be available through gaps in dwellings, the entire rear elevation of the property would not be easily visible from public viewpoints and this part of the proposal would therefore not have any significant impact upon the overall character of Croft Road or Wendan Road.
- 6.7 Whilst the large expanses of glazing and unusual roof form are not typical features of this property, it is considered that the contemporary design blends with the more traditional main dwelling and many examples of a similar mix of styles can be found throughout the district. Moreover, the design proposed enables the section of the extension which lies closest to the attached neighbour to remain low whilst not resulting in a scheme which includes a large expanse of flat roof and this is welcomed.

- 6.8 Though it is acknowledged that the extensions would result in a significant increase in the size of the dwelling, it is not considered that they would have an overly dominant impact on the property and would not result in an overdevelopment of the plot. The extensions would not project forward of the main front elevation of the property. The side extension proposed would improve the street scene view of the semi-detached pair of properties by giving them a more balanced, uniform visual appearance. To the rear, the extensions would lie below the eaves height of the main dwelling, with only a small section of the mono-pitched roof reaching the same height as the top of the first floor window. Whilst they would extend a good distance to the rear, the overall height of the structure would ensure that it would not dominate the rear elevation to an unacceptable extent. A good sized private rear garden would also remain. Furthermore, the site lies within the settlement of Newbury where there is a focus for new development and therefore, the increase in the size of the dwelling is not considered to have a detrimental impact.
- 6.9 The addition of a new fence along the eastern boundary of the site is considered to have no adverse impact on the character of the area. The timber close board fence being proposed would be typical of this urban setting. Whilst the 2.3 metre to 2.5 metre height being proposed is a little higher than what would typically be installed in such a setting, it is not considered that this increase would have any significant visual impact. The lie of the land is such that it slopes up towards the south and it is considered that this sloping ground will ensure that the fence would not present as a dominant feature within the garden. The height is only up to 0.5 metres taller than what could be constructed under permitted development and this height is considered acceptable given the setting of the site and the location of the fence within the private rear garden of the dwelling.

### ***Neighbouring amenity***

- 6.10 The neighbouring properties most likely to be impacted by this proposal are no. 3 Croft Road to the east and nos. 37 and 39 Wendan Road to the west. Whilst the proposal would bring the rear elevation of the application property further south, it is not considered that there would be any significant impact on the neighbouring property to the south, 8 Bruan Road, due to the distance between the new structure and the southern boundary of the application site. The two storey extension will be visible from the neighbouring property to the north, 2 Croft Road, but it is not considered to have any significant impact on the light available to or privacy of this dwelling.
- 6.11 With regards to the attached neighbouring property, 3 Croft Road, concerns have been raised that this development would lead to a significant loss of light to the windows and patio area at the rear of this property. It is acknowledged that this scheme would be constructed close to the common boundary between these properties and it projects a good distance to the rear. However, a Daylight and Sunlight Report has been prepared by Right of Light Consulting and this report accompanies the submission. The conclusions of the study are that “the numerical results in this study demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties.” It is the opinion of the Right of Light Consultancy that the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties. The case officer has no reason to disbelieve the findings of this report and it is therefore concluded that the new structure would have an acceptable impact on the level of daylight and sunlight available to this attached neighbour.
- 6.12 A number of new windows are to be installed on the eastern elevation of the rear extension and these will face towards the attached neighbour. In addition, a new window is to be added to the original rear elevation, adjacent to the neighbouring site. However, none of these openings would result in any significant overlooking of the

neighbouring property or site. Most new openings are to be ground floor level only and views out of these openings towards the neighbouring site will be obscured by the existing fence, which is to remain as part of this scheme. The new high level openings are proposed in order to increase the level of light available to the living space and will provide no outlook. Therefore, it is considered that the privacy of the attached neighbour will not be unduly compromised.

- 6.13 No alterations would be made to the boundary treatment which lies directly adjacent to the rear elevation and patio area of no. 1. The new fence would be constructed adjacent to the existing boundary fence and at a maximum height of 2.5 metres, it is considered that the fence would not have any significant impact on the living conditions of the neighbouring dwelling.
- 6.14 In terms of the neighbouring properties to the west, the new extension will bring the side elevation of no. 1 closer to the rear elevation and garden area of these properties. However, as set out in the Daylight and Sunlight report, the extensions to this dwelling would not result in any significant loss of daylight or sunlight to these properties. The new structure would remain over 13 metres from the closest part of the properties on Wendan Road and this distance is considered sufficient to ensure that, even with the lower ground level of the Wendan Road properties, the extensions would not have an overly dominant or overbearing impact on the rear elevation openings or on the outdoor space which lies adjacent to this rear elevation. Whilst the mono-pitched roof of the rear extension would be visible from these neighbouring dwellings, it would slope away from these sites and is not considered to have any significant adverse impact.
- 6.15 The construction of the side extension would result in the removal of a first floor opening which directly overlooks the properties on Wendan Road. No new first floor openings are proposed in the western elevation of the side extension, thereby lessening the level of direct overlooking of the neighbouring sites. In order to protect the residential amenity of these properties to the west, it is recommended that a condition be attached to any consent which restricts the permitted development rights of the property in relation to the addition of first floor openings into the western elevation.
- 6.16 The new openings which are proposed on the western elevation of the rear extension are at ground floor level only and views from these openings towards the neighbouring properties to the west will be obscured by the existing timber fence which runs between the properties. Though the application property is set at a higher ground level than the Wendan Road properties, the boundary fence is set at the ground level of no. 1 Croft Road and therefore, only a small section at the top of the new windows would be visible above this fence. The existing ground floor windows in the side elevation of 1 Croft Road do not currently provide any significant outlook towards the neighbouring properties to the west and the new ground floor openings will have a very similar impact.
- 6.17 Objectors to the scheme have concerns that the new openings will create light pollution, disturbing the residential amenity of the neighbouring sites. This is a residential extension and whilst it is acknowledged that large amounts of glazing are proposed, it is not considered that the level of illumination required to light the extension would be so significant as to lead to undue levels of light pollution to the surrounding area. Moreover, much of the new glazing will be obscured from the neighbouring sites by the existing close board fences which form the boundary treatments between the sites.
- 6.18 This proposal would allow for the creation of a large area of flat roof adjacent to the neighbouring site at no. 3 Croft Road. Whilst the application proposes a living roof on

this roofspace, access could easily be created to this rooftop at a later stage through the insertion of a new opening from the master bedroom or bedroom 2. Therefore, in order to ensure that this development does not unduly impact upon the level of privacy afforded to no. 3, it is considered necessary to add a condition which prevents the use of the flat roof as a balcony, roof garden or similar outdoor amenity space now or in the future.

### ***Highway matters***

- 6.19 The application site lies in Zone 2 according to Policy P1 of the Housing Site Allocations DPD. For a three bedroom dwelling in zone 2, 2.5 parking spaces are required. This application involves the construction of an extension over the area to the side of the dwelling which, when the case officer visited the site, was being used for parking. The application does include a garage but as set out in policy P1, garages are not counted as parking space for the purposes of meeting the required levels of parking.
- 6.20 Three parking spaces would still be available on the hardstanding to the front of the dwelling, as shown on the block plan, and this proposal involves no increase in the number of bedrooms within the property. Therefore, the level of vehicular parking provided is considered to meet the standards as set out in planning policy. No comments have been received from the Council's Highways Officer.

### ***Trees***

- 6.21 The Council's Tree Officer reviewed the proposed works and noted the birch tree in the neighbouring garden. However, it is not considered that the proposal would impact upon nearby garden trees and shrubs. No objections are raised to the scheme as it would not impact upon significant scale trees.

### ***Other matters***

- 6.22 When the application was first submitted, the block plan showed only the new internal floorspace to be created and this raised difficulties in being able to fully assess the proposal. The applicant has now supplied an existing and proposed block plan which more clearly shows the scheme and how the works would impact upon the site and its surroundings. This proposed block plan also indicates the parking layout to the front of the site.
- 6.23 Moreover, due to a scanning error, some of the originally submitted plans were difficult to scale correctly. However, the plans have all been re-submitted and this issue has been resolved.
- 6.24 Objectors to the scheme consider that the plans are inaccurate and that when the new structure is built on site it is likely to be larger. This application is being determined on the basis of the plans as submitted and the scheme as proposed is considered to be acceptable.
- 6.25 Concern has been raised with regards to the proposed construction of the side extension up to the western boundary of the site as the eaves and guttering could overhang the neighbouring plot. Notice was served on the adjacent dwelling at no. 37 Wendan Road and therefore, the application remains valid. Questions have also been raised as to the timing of when notice was served in relation to the validation of the application. At the outset of the application, this matter was reviewed by the Council's Planning Services Manager who confirmed that the dates and certificates submitted are valid. The matter of whether a structure overhangs a neighbouring plot is a legal

one and whilst it is acknowledged that this is an important matter for the occupants to resolve, is it not one that falls to be considered under planning legislation and therefore cannot be discussed as part of this planning application.

## 7. Planning Balance and Conclusion

- 7.1 It is considered that the extensions and alterations proposed to 1 Croft Road would have an acceptable impact on the character of the area and would not have a significant adverse impact upon the residential amenity of neighbouring properties. Whilst the side extension would be built over an existing parking space, sufficient parking space would remain within this site. Moreover, the scheme has been reviewed by the Council's Tree Officer who has raised no objections.
- 7.2 It is considered necessary to add conditions relating to a time limit for commencement of development, approved plans and materials as specified on the plans and application form. In addition, a condition which restricts the permitted development rights of the property with regards to the addition of windows above ground floor level on the western elevation is considered necessary in order to protect the residential amenity of the neighbouring properties on Wendan Road. Additionally, a condition which prevents the use of the flat roof as a balcony, roof garden or similar amenity area is recommended in order to prevent any potential loss of privacy to the neighbour at 3 Croft Road. Given the close proximity of the development works to neighbouring dwellings, it is considered reasonable that a condition be attached which restricts the hours of working.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director for Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

### *Conditions*

1.	<p><b>Commencement of development</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p><b>Approved plans</b> The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>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</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Materials</b> 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.</p>

	<p>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).</p>
4.	<p><b>No further openings on western elevation</b></p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting 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.</p> <p>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).</p>
6.	<p><b>Use of flat roof</b></p> <p>The flat roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.</p> <p>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).</p>
5.	<p><b>Hours of work</b></p> <p>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.</p> <p>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.</p>

### **Informatives**

1.	<p>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.</p>
2.	<ul style="list-style-type: none"> <li>To ensure that the trees, which are to be retained, are protected from</li> </ul>



	<p>damage, ensure that all works occur in a direction away from the trees.</p> <ul style="list-style-type: none"> <li>• In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> <li>• 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.</li> <li>• 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.</li> </ul>
3.	<p>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: <a href="https://www.gov.uk/party-walls-building-works/work-tell-your-neighbour-about">https://www.gov.uk/party-walls-building-works/work-tell-your-neighbour-about</a></p>

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# 21/01038/HOUSE

1 Croft Road, Newbury, RG14 7AL



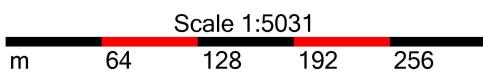
Map Centre Coordinates :

Scale : 1:5031

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	01 October 2021
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	20/01264/FULMAJ  Lambourn Parish Council	25 <sup>th</sup> February 2021 <sup>1</sup>	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  Fognam Farm, Upper Lambourn, Hungerford  Kingsdown Estate Ltd

<sup>1</sup> Extension of time agreed until 14<sup>th</sup> October 2021.

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01264/FULMAJ>

**Recommendation Summary:** To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1 of the report)

**Ward Members:** Councillor Howard Woollaston

**Reason for Committee determination:** More than ten letters of objection received

**Committee Site Visit:** N/A

#### Contact Officer Details

**Name:** Masie Masiwa  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** [Masie.Masiwa@westberks.gov.uk](mailto:Masie.Masiwa@westberks.gov.uk)

## 1. Introduction

1.1 This application seeks full planning permission for the erection of an equine pre-training, rest, rehabilitation and recuperation facility for racehorses. The proposal includes removal of an existing farm building. The site area covers approximately 5.8 hectares of existing agricultural land.

1.2 The proposed development will include the following elements:

- removal of existing building
- erection of new three bedroom manager's dwelling
- erection of garage store building with overnight / temporary accommodation above
- conversion of existing building to form 28No. boxes/stables
- new horse walker
- new lunge pen
- all weather turn out and canter track
- associated parking and landscaping

1.3 The site comprises Fognam Farm which includes a large agricultural barn and a smaller storage barn surrounded by an area of hard standing. There are a number of trees within the site and along site boundaries to the north, north west and south east. There is a tree belt located to the west which encloses the grass field to the west of the site. To the north of the site there is a row of 3 dwellings and a utility building (pumping station) set between the site and the B4000. The application site is located on gently sloping ground with site levels at the entrance to the site at approximately 142m AOD rising to approximately 147m AOD on the western boundary of the farmstead and rising further across the grass field to the southern boundary of the site to approximately 160m AOD. A Public Rights of Way Footpath LAMB/55/2 is located on this elevated landscape to the south and west and Public Rights of Way Lamb/56/3 runs along the B4000 to the north.

1.4 Fognam Chalk Quarry Site of Special Scientific Interest (SSSI) is located to the south west of the site sharing a boundary with the development site. The site is outside of a defined settlement boundary, and therefore in the open countryside and North Wessex Downs Area of Outstanding Natural Beauty: a national landscape designation

1.5 Upper Lambourn, Lambourn, and surrounding areas are nationally important for the horse racing industry. The local area therefore has a significant concentration of racing and associate equestrian related facilities.

1.6 A similar application on the same site under reference 08/01880/FULD, was granted planning permission on 19th May 2009. The full proposal is outlined below:

***“Change of use of existing land and buildings from agricultural to equestrian use, involving the conversion of a redundant cattle shed into 40 stables, the demolition of a disused limeworks and the erection of temporary (3 years) managers accommodation. Demolition of a general storage barn and erection of***



**temporary (3 years) staff accommodation, a 500 m all-weather canter, a waste storage area, associated car/horse box parking and the creation of a new footpath.”**

- 1.7 Despite approval of conditions under a discharge of condition application (reference 10/00935/COND1) on 05<sup>th</sup> August 2010, the planning permission was never implemented. The latest application reduces the layout and the size of the equine development on the site when compared to the previously approved scheme.
- 1.8 Another similar application (reference 09/01880/FUL) was also granted planning permission for the following proposal:
- “Erection of Indoor Schooling Ring, Horsewalker and Conversion of Existing Barn to form Fodder/General Store and Ancillary Office Space.”**
- 1.9 The above application was also never implemented.
- 1.10 It is outlined that the racehorse training facilities will be enhanced by converting the existing larger barn to stables, demolishing the existing second building and the construction of a new manager’s dwelling and a garage storage building with accommodation above.
- 1.11 A Rural Enterprise Appraisal has been prepared and the projected business plan has also been submitted. The applicant has agreed for the documents to be made publicly available and the report has been considered as part of this application.
- 1.12 In addition, at the pre-application advice stage, Officers advised the applicant that a Landscape Visual Impact Assessment (LVIA) would be required to address the effect of the scheme on the AONB landscape, along with demonstrating any landscape enhancements and improvements the scheme will provide.

## **2. Relevant Planning History**

- 2.1 The table below outlines the relevant planning history of the application site.

<b>Application</b>	<b>Proposal</b>	<b>Decision / Date</b>
08/00322/FULD	Change of use of existing land and buildings from agricultural into equestrian use, including the conversion of a redundant cattle shed into an American barn, the demolition of disused limeworks and the erection of a managers house, the demolition of a general storage barn and the erection of a staff hostel, a 500m all-weather gallop, a waste storage area, associated car/horse box parking and the creation of a new footpath.	Refused in May 2008
08/01880/FULD	Change of use of existing land and buildings from agricultural to equestrian	Approved in May

	use, involving the conversion of a redundant cattle shed into 40 stables, the demolition of a disused limeworks and the erection of temporary (3 years) managers accommodation. Demolition of a general storage barn and erection of temporary (3 years) staff accommodation, a 500 m all-weather canter, a waste storage area, associated car/horse box parking and the creation of a new footpath.	2009
09/01880/FUL	Erection of Indoor Schooling Ring, Horsewalker and Conversion of Existing Barn to form Fodder/General Store and Ancillary Office Space	Approved in November 2009
10/00935/COND1	Application for approval of details reserved by Conditions 4, 10, 11, 12, 13, 14, 19 and 23 of planning permission reference 08/01880/FULD.	Approved in August 2010

### 3. Procedural Matters

- 3.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In accordance with regulation 7 the local planning authority is required to adopt a screening opinion as to whether the proposal constitutes EIA development, and therefore whether an environmental statement is required as part of the application, where it is considered to be schedule 2 development. Having regard to the nature and scale of the proposed development, it is not considered to constitute schedule 2 development and it is considered that there are no exceptional circumstances to indicate that an environmental statement is required.
- 3.2 An amended plans site notice was displayed on 18 January 2021 and the deadline for representations expired on 08 February 2021.
- 3.3 Amended plans and additional supporting information were received in December 2020, January 2021, June 2021, July 2021 and August 2021 in response to officer-level feedback. According to the Planning Practice Guidance, where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary, taking into account a number of considerations including previous objections, and the significance of the changes. These amendments have been to address specific technical concerns raised by consultees and the amendments have been made publically available via the Councils planning website. Given that these amendments have been in response to technical issues and altered the originally proposed scheme, it has been necessary for an amended plans site notice to be displayed. An amended plans site notice was displayed on 18 January 2021 and the deadline for representations expired on 08 February 2021.



3.4 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development. The development is CIL liable and chargeable for the residential development.

3.5 More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

#### 4. Consultation

##### Statutory and non-statutory consultation

4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Lambourn Parish Council:</b>	Objection – traffic survey and inadequate protection of the AONB and the SSSI. Lack of proper information provided regarding the site e.g. Transport survey and Design and Access statements
<b>WBC Highways Authority:</b>	No objection subject to recommended conditions
<b>WBC Ecology Officer</b>	No objection subject to recommended conditions
<b>WBC Archaeology Officer</b>	No objection subject to recommended condition
<b>WBC Tree Officer</b>	No comments
<b>WBC Local Lead Flood Authority</b>	No objection subject to recommended conditions
<b>WBC Environmental Health</b>	No comments
<b>Natural England:</b>	No objection subject to recommended condition
<b>WBC Waste Management</b>	No objection
<b>WBC Public Rights Of Way</b>	No objection
<b>WBC Housing Development</b>	No comment response
<b>WBC Landscape Consultant</b>	No objection subject to recommended conditions
<b>North Wessex Down</b>	No comments received

<b>AONB</b>	
<b>The Jockey Club</b>	Support
<b>Environment Agency</b>	No objection subject to recommended condition and informative
<b>Royal Berkshire Fire and Rescue Service</b>	No objection
<b>Thames Water</b>	No objection subject to recommended informatives

### ***Public representations***

- 4.2 Representations have been received from 18 contributors in objection (including repeat and multiple letters) and 3 letters of support.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following points have been raised:

#### *Objection points:*

- Concerns with regard to inadequate drainage in this area.
- Concerns with regard to inadequate visibility splays at the access.
- suggested sightlines are unrealistic and need to be fully reassessed - Impact on road safety
- Automatic Traffic Count Survey (ATC) statistics were completed in 2017 and therefore out of date
- Development will harm the character of the North Wessex Downs AONB
- Impact on neighbouring amenity
- Overlooking and extreme loss of privacy from canter track
- Noise and disturbance from activities
- Impact of odour from activities
- Increase in light pollution
- Location of the canter track away from the development site
- Loss of the residential amenity of adjacent houses and gardens
- Impact of muck and dust on SSSI
- Impact on wildlife
- The whole area is subject to groundwater flooding so soakaways could prove inadequate
- Impact on water table and concerns of groundwater contamination
- Users of the yard be barred from using the Kingsdown Gallops so that horses are not ridden along or across the B4000
- Access to B4000 makes access unsuited for active racehorses
- No justification for speculative commercial development
- Further development in AONB from Upper Lambourn towards Ashbury.
- Alternative accommodation already available which has been on the market for some time

- Mature tree on the site should be retained
- Impact on users of the Fognam Down arena and the use of a private facility by its owners.
- Race horing industry has significant spare capacity including available development space
- Development industrialises the countryside for profit at the expense of community and environment.
- Fognam Farm is remote from any immediate equine community
- Lambourn has a significant number of stables up for sale which suggests that the industry is struggling
- No clear public benefit.
- Horsewalker will impact on neighbouring amenity
- Concerns regarding the future occupants
- Site is unsuitable to get a British Horse Society licence for use as a training yard.

*Support points:*

- Location is suited to equine use
- Specialist spelling businesses are an increased feature of ancillary services expected by racehorse trainers and owners
- Interest from clients wishing to rent or develop race horse industry ancillary facilities
- Increase of racehorses trained in Lambourn has strengthened local need for spelling yards.
- Site can be transformed into pre-training facility, a bonus to local racehorse training centre.

## **5. Planning Policy**

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies NPPF, ADPP1, ADPP5, CS1, CS5, CS9, CS10, CS12, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies: C1, C3, C5 and P1 of the Housing Site Allocations Development Plan Document (HSA DPD).
- Policies ENV.29, OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-2024

- North Wessex Downs AONB Position Statement: Housing (October 2012)
- Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- West Berkshire Council Landscape Character Assessment
- Manual for Streets
- The Wildlife and Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2010
- Lambourn Parish Plan
- British Horse Society's guidelines for the keeping of horses: stables, pasture acreages and fencing.

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, character and appearance of the AONB area
- Onsite equestrian amenity and facilities
- Impact on quality of life
- Highways
- Flooding and drainage
- Biodiversity
- Green infrastructure

### Principle of development

- 6.2 The site is outside a defined settlement boundary. Policy ADPP1 of the West Berkshire Core Strategy allows for limited development within the countryside focused on addressing identified needs and maintaining a strong rural economy.
- 6.3 Policy ADDP5 (North Wessex Downs Area of Outstanding Natural Beauty) of the adopted Core Strategy sets out the strategy for development within the AONB, identifying opportunities for limited development to accommodate local needs including housing and employment, within service villages. The policy supports the equestrian and racehorse industry, recognised as contributing to both the local and national economy. Any form of development is expected to conserve and enhance the local distinctiveness, sense of place and remote setting of the AONB.
- 6.4 The North Wessex Downs AONB is home to racehorse trainers and the Lambourn area is a nationally important centre of activity for the horseracing industry second only to Newmarket. In relation to the racehorse industry within the North Wessex Downs AONB, the policy aims to prevent pressure for redevelopment of existing facilities to other uses, and fragmentation of existing sites. These pressures could lead to the decline of the industry locally, threaten the character and form of settlements, and increase pressure for replacement facilities in environmentally sensitive areas. The conservation and enhancement of the natural beauty of the landscape is the paramount consideration in assessing the site.
- 6.5 Policy ADDP5 states that there is particular emphasis in the Lambourn valley area on the needs of the equestrian industry and that the equestrian and racehorse industry will continue to be supported as a nationally and locally important part of the district's

economy, including Lambourn's role as a nationally important centre for the racehorse industry. West Berkshire Core Strategy Policy CS10 further states that proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages. The site is reasonably located near Upper Lambourn and the Lambourn settlement and the proposed use will compliment the racehorse industry services within the area.

- 6.6 Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. There are benefits from the development as it will ensure the provision of important spelling equine facilities supportive of the rest and recuperation of race horses within the Lambourn Valley of the Race Horse.
- 6.7 The Jockey Club were consulted and they have indicated that they would support the proposal on the basis of creating ancillary facilities to help strengthen and sustain the wider racing and racehorse training industry in the Lambourn Valley in line with Policy CS12.
- 6.8 Policy CS12 states that equestrian activities, related development, and the racehorse breeding and training industry are characteristic features of West Berkshire, and are of particular importance to the rural economy. The policy goes on to say development associated with equestrian activities is in keeping with the location in terms of the scale, form, impact, character and siting. The proposed facilities are considered acceptable for the type of equestrian facility.
- 6.9 The development proposed would result in investment, the expansion of the existing offer of supporting yards and help maintain and provide for the sensitive growth of a racehorse use in the AONB and on the edge of Lambourn, a nationally important centre for the racehorse industry.
- 6.10 Housing Site Allocations DPD Policy C1 indicates planning permission for new housing will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB. New housing development in the countryside is restricted and resisted by development plan policies, one of the exceptions is new dwellings associated with a rural worker. A racing complex is likely to require accommodation on site and the submitted assessment is considered to justify the level of accommodation proposed on the site. A needs assessment for rural workers' accommodation has been submitted with the application. A pre-training, rest or rehabilitation yard is likely to require accommodation on site and the submitted assessment is considered to justify the level of accommodation proposed on site in the form of a Manager's dwelling and a temporary overnight accommodation above the garage. These accommodation facilities would ensure the health and safety needs of the horses are met by a 24 hour presence on site. It would be expected that additional staff would be accommodated within the local Lambourn settlements and surrounding areas. Whilst normally it would be required that a temporary dwelling is approved, in this case the need for onsite accommodation is clear and to ensure the dwelling is related to the facility, Officers have recommended a condition that ensures the equestrian facilities on the site are completed before development can commence on the dwelling. This would ensure that the dwelling is only constructed once the equestrian facilities have been built. In order

to maintain the whole site as one enterprise, conditions are considered necessary and the occupation of the new accommodation will be restricted by condition to rural workers associated with the yard. In addition a condition can be attached to ensure the whole of the site will remain a single equestrian use or planning unit. The proposal is considered to comply with Policy C5 (Housing related to Rural Workers) of the HSADPD

- 6.11 The proposed development is therefore considered acceptable in principle having regard to the provisions of Core Strategy Policies ADDP1, ADDP5, CS10, CS12, Saved Local Plan Policy ENV29, The National Planning Policy Framework and the AONB Management Plan, subject to the detailed considerations.
- 6.12 The specific impacts of the development on the character and appearance of the area and how it functions, amenities and highway safety, green infrastructure and biodiversity must also be considered and fully justified. These are material planning considerations that carry significant weight in determining the planning application.

### **Design, character and appearance of the AONB area**

- 6.13 The NPPF states that the Government attaches great importance to the design of the built environment and that in relation to design, Councils should always seek to secure high quality design which respects and enhances the character and appearance of the area.
- 6.14 The NPPF further outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.15 Policy CS14 of the Core Strategy supports the aims and objectives of the NPPF and provides the design principles for new development within West Berkshire. It is clear that developments must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It emphasises that design does not only relate to the appearance of the development but also the way in which it functions. The Policy has a list of criteria that developments are expected to provide which includes creating safe environments; make efficient use of land whilst respecting the character, landscape and biodiversity of the surrounding area; conserve and enhance historic and cultural assets; and provide, conserve or enhance biodiversity opportunities.
- 6.16 Policy CS 19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard has been given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Policy ADPP5 seeks to preserve local distinctiveness, sense of place and setting of the North Wessex Down AONB.
- 6.17 In respect of the special landscape designations, the NPPF indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection.

- 6.18 Policy C3 of the HSADPD is concerned with the design of housing in the countryside. It states that the design of housing must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. The final designs have been considered having regard to the character of the area in which they are located taking account of the local settlements and building character. The policy also advocates that development should have regard to Quality Design – West Berkshire Supplementary Planning Document and the design principles set out in the North Wessex Downs AONB Management Plan.
- 6.19 The site is also considered appropriate for the type of development in the context of the Lambourn race horse industry. The manager's dwelling replaces one of the barns to be demolished. Officers consider that there would be less bulk of built form in terms of overall length and height looking into the site from the south west. The design of the stable barn and the final amended dwelling will be traditional. Given the existing low ground level and the amended built form the impact on the rural character of the area from the amended layout and design is considered acceptable under development plan policies. The proposed group of buildings would be of small scale and the general approach taken is to develop the scheme with the dwelling and single storey outbuilding using traditional designs and forms.
- 6.20 Where development would affect the AONB, the impact on its special qualities and natural beauty of the landscape would have been the overriding consideration. The size, location and nature of the final proposed manager's dwelling is commensurate with the needs of the enterprise; and well related to onsite buildings and the development has no adverse impact on the rural character and its setting within the wider AONB landscape.
- 6.21 The proposed development includes a stabled barn converted to include 28 loose boxes as well as the manager's dwelling, temporary overnight accommodation above the car port/store, parking and horses training structures. The level of development could significantly alter the character of the site. The introduction of necessary lighting for security and operational reasons could have a further adverse impact on the character of the area and the general tranquillity that is expected in the AONB.
- 6.22 A Landscape and Visual Impact Assessment (LVIA) has been submitted and reviewed by the Council's Landscape Consultant.
- 6.23 There are long views into the site and beyond from the elevated Public Rights of Way Lamb/55/2 which runs along the southwest and western boundaries. There are also views of the site from Public Rights of Way Lamb/56/3 which runs along the B4000 to the north, this footpath is at lower level and the site's barns and trees can be seen from the footpath. According to the West Berkshire Council Landscape Character Assessment, the site lies within the Landscape Character Area 1B Lambourn (LCA1B) of the North Wessex Downs AONB. LCA1B Lambourn Downs is described as part of the main chalk plateau of the AONB dominated by arable farming with gallops and rides, a strong structural landform with a series of flat topped or gently rounded hills and ridgelines and intersected by wide dry valleys.
- 6.24 The Landscape Consultant concluded that the location of the manager's dwelling is in a very visible location, along with its design, orientation of the garden, it will urbanise this open edge. It was recommended that the proposed dwelling should be moved or

the design revised. The design was subsequently revised and following the submission of amended plans, the Landscape Consultant stated that the manager's dwelling was more acceptable and low impact. The amended manager's dwelling was reduced in size and the design features were also amended to include timber cladding and tapered gable ends (which slope down in height). In addition the size of the outer windows on the dwelling were also reduced to avoid unnecessary light glow on the immediate adjacent landscape of the AONB. It is concluded that the design features will reduce the visual prominence of the manager's dwelling within the AONB landscape. The proposed development will cut into the slope such that the proposed structures will be level surface set within the slope. Additionally, proposed tree planting has been increased on the development's southern edge, which will reduce the visibility of the dwelling from the Public Rights of Way further to the south. The large beech tree on the site is now shown to be retained which is also welcomed by Officers. To further preserve the views to the south, the revised scheme now proposes hedgerows as field boundaries, this will improve the design and character of the scheme within the AONB landscape and reduce any urbanising effects. The proposed staff accommodation and area of staff car parking originally presented with the application were removed following concerns from Officers. These structures were considered as highly visible at the entrance to the site. The Public Right of Way officer has no objection.

- 6.25 The proposed development would have a comparable form and amount of development to similar facilities within the area. Furthermore, whilst an indication of external materials are provided in the design and access statement, and the layout scheme indicates new hedge planting and gabions on the site boundaries no specific materials, fence elevations, or planting details have been submitted, these matters can be secured by condition.

*North Wessex Downs AONB Management Plan 2019 – 2024*

- 6.26 The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019 – 2024 describes the AONB's sense of remoteness and tranquillity associated with the North Wessex Downs as fundamental to the character of the AONB and vital to the enjoyment and appreciation of the landscape. The North Wessex Downs' vision seeks to make the North Wessel Downs AONB a place where development is low-impact. Darkness at night makes the countryside so different from surrounding urban areas. Darkness allows the majesty of the skies and stars to be seen away from the orange glow of our major urban areas. The applicant has submitted a comprehensive lighting assessment, which outlines sensitive lighting design with downward facing lighting which is recommended by the AONB Management Plan. The AONB Management Plan emphasises the need to conserve and enhance the remoteness and expansive open scale of the downland landscape and to maintain the pattern of discreet villages set within a quiet rural landscape, ensuring that the views to the surrounding dramatic scarps are undamaged. Due to the assessment as described above the proposals are considered acceptable in protecting and enhancing the character of the AONB.

*Heritage Impact*

- 6.27 Policy CS.19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings. This approach is supported by the NPPF. The Councils Archaeology Officer has assessed the proposal and confirms that subject to attaching a planning condition to secure a written scheme of archaeological investigation the proposal is considered acceptable.



6.28 The proposed development is therefore considered to comply with Policies ADPP1, ADPP5, CS12, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Housing Site Allocations Development Plan Document's Policies C3 and C5 in terms of location, design and appearance.

### **Onsite equestrian amenity and facilities**

6.29 Saved Local Plan Policy ENV.29 requires equestrian development to be provided with sufficient space for the ancillary storage of food stuffs, bedding, tack and related equipment on a scale appropriate to the number of horses being accommodated. It also requires that there be sufficient land with the stable to accommodate the number of horses proposed. As a rehabilitation facility, the site has sufficient facilities for rotational turnout and exercise associated with the proposed use. A canter track, lunge pen and horse walker will also add to variety of facilities and these are considered sufficient facilities for the proposed use. The proposed new stables are considered to be of an adequate size, in line with horse welfare guidance. As such the proposed new built form is considered to be appropriate development within the countryside.

### **Impact on quality of life**

6.30 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire.

6.31 The Royal Berkshire Fire and Rescue Service have advised that provision needs to be made on site for private fire hydrants as there is no public mains to effectively fight a fire. A condition requiring that details of private fire hydrants are submitted as a discharge of condition has been recommended by Officers.

6.32 The site shares a boundary with three dwellings. There are two dwellings to the northern boundary (Fognam House and Fognam Down), the dwellings are separated by a pumping station, which also shares the northern boundary with the site.

#### *Fognam Bungalow*

6.33 Fognam Bungalow is the third dwelling which is located along the access to the site and shares the eastern boundary with the site. Fognam Bungalow is more likely to be affected by the proposed vehicle movements.

#### *Fognam House*

6.34 Fognam House is a detached dwelling located along the northern boundary to the site. The dwelling itself is approximately 18 metres from the shared boundary and approximately 42 metres to the existing barn to be converted to stables. Fognam House is also set in grounds characterised by mature trees, with these trees providing a boundary barrier.

#### *Fognam Down*

6.35 Fognam Down is a detached dwelling with garden, outbuildings, grass paddock and an all-weather manege located to the north west end of the row of dwellings. Fognam

Down's garden, outbuildings, grass paddock and the private all-weather manege are visible from the surrounding landscape.

- 6.36 To address potential impacts on residential properties along the northern boundary, the canter track has been turned 90 degrees and additional landscape planting along the boundary has been added by the applicant. It is considered that these amendments would also mitigate any visual impacts from the development. With regard to noise the proposed use is synonymous in character with this part of rural West Berkshire and is considered a use in keeping with the rural character of the area. It is also not unusual for equestrian yards to be neighbouring residential properties in the rural areas and in this location. The noise from the canter track and lunge pen from horses will be minimal and to further offset any noise, the canter track has been turned 90 degrees, such that only a limited part will be closest to the site boundary to the north. The lunge pen is also enclosed and which will limit any noise output. In addition it is not considered that as a rehabilitation yard, the noise from the canter track would be as significant as normally associated with training gallops.
- 6.37 As discussed further below the Highways Officer considers that the vehicle movements associated with the development would be similar to the existing and historic site uses. Given the scale and use, it is therefore not considered that the vehicular movements to and from the site access would result in an undue level of noise and disturbance that would materially affect the living conditions of the neighbouring properties.

#### *Manure management*

- 6.38 Any potential loss of amenity from odours has been considered, and the most likely source would be from horse manure storage. To safeguard the amenity of neighbouring properties a condition has been attached to ensure that mitigation measures are provided to mitigate any odour. The applicant would be required to submit further details for manure management and removal.

#### *Plant, machinery and equipment*

- 6.39 There are potential noise impacts from machinery and equipment associated with the type of development such as the horsewalker and any pumps. All plant, machinery and equipment installed or operated in connection with the carrying out of the development shall be enclosed and attenuated that any noise that may be generated 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. These measures are considered as model standards to protect the occupants of nearby residential properties from any potential noise generation.
- 6.40 Overall the impact on neighbouring amenity of the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal is considered to accord with Policy CS14 and the SPD on Quality Design.

### **Highways**

- 6.41 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to Highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.

- 6.42 The proposal shows a primary access on to the B4000 of 5.5 metres in width and surfaced with a bonded material for the first 15 metres. A speed survey was undertaken during 2017. The results of the Automatic Traffic Counter (ATC) with a wet weather factor identified the following:
- 44.9 mph westbound
  - 43.0 mph eastbound
- 6.43 Highway Officers were consulted and have considered the application including reviewing of the speed survey, access arrangements and parking provision, amongst other elements.
- 6.44 The table at paragraph 3.7 of the Transport Statement summarises vehicle movements for the existing permitted use as 11 average daily movements. There is also a disused quarry that utilised the existing access – adding circa 9.4 average daily movements. This would total around 20 daily vehicle movements. Highway Officers do not raise any objections on this basis. Given the existing permitted uses at the site and the vehicle movements that could be generated the proposed plays are accepted by Highway Officers.
- 6.45 The Highway Officers have also indicated that the improvements to the access are acceptable and can be secured by a condition.
- 6.46 Given the scale and use of the proposed activities, it is considered that the vehicular movements to and from the site would not result in an intensification of the site given the existing permitted uses.
- 6.47 Policy P1 of the HSADPD provides new standards for residential parking for new development. The new parking policy sets minimum standards for residential parking provision based on location. The site is located within Zone 3 for parking purposes and the parking provided and marked out on the site plan is considered adequate to cater for the mixed use nature of the site. Electric vehicle charging points are required for the residential uses and these must be a minimum of 7kw and can be secured by a condition.
- 6.48 Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policies CS13 and TRANS.1 of the Saved Policies of the Local Plan.

### **Flooding and drainage**

- 6.49 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.50 The application site is located within Flood Zone 1, which has the lowest probability of flooding. It is essential that Sustainable Drainage Methods (SuDS) are adopted to mitigate the cumulative impacts of development on flooding within the area and the wider district. An amended Flood Risk Assessment has been submitted and has been reviewed by the Local Lead Flood Authority (LLFA) and Environment Agency.

- 6.51 The application site lies within a Source Protection Zone 1 and adjacent to a pumping station, as such it is highly sensitive from the perspective of groundwater quality given that this represents the inner source protection zone of a public water supply. Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).
- 6.52 The Environment Agency were consulted and they have reviewed the site investigation report and confirm that the report does not highlight any particular contaminants that would be expected other than those expected from within a farm setting. Overall the Environment Agency have no objections if the proposed development proceeds as outlined in the documents submitted.
- 6.53 Following numerous revisions and considerations, the LLFA Officers have no objection to the proposal subject to conditions. The LLFA Officers agree in principle with the mitigation measures outlined in the amended Flood Risk Assessment (FRA) and the amended drainage strategy. The LLFA Officers consider the final updated drainage strategy and hydraulic calculations to be acceptable. It was agreed that the final drainage strategy would utilise a small drainage basin to manage surface and rain water runoff. It is considered that the basin would not impact on the yard facilities, as sufficient turnout and exercise areas will be retained in the scheme. The LLFA Officers have recommended a pre-commencement condition which stipulates that infiltration testing and groundwater monitoring should be undertaken throughout the winter months, in the location of the proposed SuDS features, in accordance with the recommendations of the Council's SuDS SPD.
- 6.54 Based on the considerations by the LLFA Officers and the Environment Agency and subject to the recommended conditions, it is considered that the proposal could comply with the NPPF and Policy CS16.

#### **Water / Sewerage infrastructure capacity**

- 6.55 The application site lies within a Source Protection Zone 1 and adjacent to a water utility pumping station. Thames Water have mains assets underground crossing the site in the area of the canter track. Thames Water is the statutory sewerage undertaker responsible for maintaining the water and waste water infrastructure in the local area. Thames Water do not raise any objections to the proposed development subject to a condition and informatives. The recommended condition will require the submission of 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. Overall, it is considered that the development could comply with Policy CS5 of the WBCS.

#### **Biodiversity, Geodiversity and Green Infrastructure**

- 6.56 Core Strategy Policy CS17 (Biodiversity and Geodiversity) states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Harm to biodiversity and geodiversity has been identified with the proposed development and inadequate mitigation is provided.

- 6.57 Policy CS17 also states that, in order to conserve and enhance the environmental capacity of the District, new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.58 The site is adjacent to the Fognam Chalk Quarry Site of Special Scientific Interest (SSSI). The SSSI is notified for its geological interests, including its Chalk Rock, unusual rock sequence and ammonite fossils.
- 6.59 Natural England recommend biodiversity enhancements to include a barn owl nest cavity and bat bricks or tiles to be included within the new constructions. The SSSI area is outside the application site and will not be used by the horses for exercise or rough grazing, as this could cause damage. The Council's Ecologist has recommended a natural buffer between the SSSI and the areas which will be accessed by horses.
- 6.60 The Council's Ecologist has liaised with the applicant's Ecologist throughout the consideration process. A number of ecological assessments, amendments and mitigation strategies have been submitted by the applicant through an amended Ecology Report in order to overcome the ecological concerns. The Council's Ecologist has reviewed the submissions and has recommended that conditions could be attached to secure protected species mitigation and habitats. An ecological area will be created between the canter track and the SSSI to prevent horses from grazing near the SSSI. In addition planting to the southern site boundary will create additional habitats for wildlife as Biodiversity Net Gain. A Landscape and Ecological Management Plan will provide the finer details of how the ecological areas will be managed and will be secured by a recommended condition.
- 6.61 Natural England state that pollution from demolition or construction of the development may impact the special interest features for which the SSSI is designated, as the development site is close to the SSSI boundary. Natural England have outlined that it is important that construction does not have an adverse impact on the SSSI site. Due to the topography of the land, there is no risk of damaging runoff or pollution from the equine proposal to the SSSI. However Natural England require assurances that no heavy machinery will use the SSSI land, and no materials will be stored within its boundaries. Overall Natural England have no objection, subject to a condition being attached that will outline mitigation measures to ensure the impact on the adjacent Fognam Chalk Quarry SSSI is minimised. A condition has been recommended by Officers.
- 6.62 Policy CS18 of the West Berkshire Core Strategy requires the retention of valued green infrastructure which contribute to the character of the landscape and the area. Policy CS18 outlines that the district's green infrastructure will be protected and enhanced, that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.
- 6.63 The development will have a potential impact on the trees on site. A comprehensive arboriculture report sets out the trees to be retained on the site. The large beech tree and the trees to the northern boundary will be retained and protected during construction, this is welcome. A tree protection condition has been recommended which will ensure these trees are protected. Additional landscaping is proposed to the

northern and southern boundaries to further mitigate the development and protect the landscape character and neighbouring amenity. A condition is also recommended to secure the landscaping scheme.

- 6.64 The development is therefore compliant with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **Objections**

- 6.65 The Parish Council and members of the public have submitted representations objecting to the proposal as outlined at Section 4 of this report. The relevant planning matters raised by objectors, supporters and the Parish Council have been addressed within this report, as such these have not been repeated here.

The Chairman of the Lambourn Trainer's Association has also submitted a letter in support of the proposal, which has been considered by Officers.

### **Permitted development**

- 6.66 According to the NPPF, planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. The proposed dwelling has been designed as a modest dwelling that has been reduced in size and scale to limit the impact on the AONB. In addition the rear amenity areas are at the minimum required sizes. If further extensions are allowed the design, size, scale and massing of the dwelling may present a detrimental impact upon the character of the AONB area and present an overdevelopment of the site. A condition restricting permitted development rights is considered reasonable and necessary.

## **7. Planning Balance and Conclusion**

- 7.1 The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision. Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal.
- 7.2 Officers consider that the proposal will make a contribution to the wider economic dimensions of sustainable development and will support the race horse industry. The development will improve on the provision of existing race horse industry facilities. With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding AONB area has been assessed as part of this application. Officers considered that the proposal sufficiently respects and preserves the existing natural environment through measures to protect and enhance green infrastructure, the SSSI and biodiversity habitats. The proposal will also be in keeping with the prevailing pattern of development within the area. Officers consider that the proposal makes no significant contribution to the wider social dimensions of sustainable development. However social aspects include the provision of amenity. As

the landscape amenity and neighbouring amenity aspects have been found to be acceptable the proposed development would constitute sustainable development.

7.3 For the above reasons, Officers consider that the proposed development is supported by the presumption in favour of sustainable development.

7.4 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, Officers consider that the development proposed is considered acceptable and is recommended for approval subject to the conditions listed at Section 8.1 of the report.

7.5 This decision has been considered using the relevant policies related to the proposal. These are; NPPF, ADPP1, ADPP5, CS1, CS5, CS9, CS10, CS12, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the Supplementary Planning Document Quality Design (June 2006).

## 8. Full Recommendation

**DELEGATE** to the **Service Director, Development and Regulation** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

### 8.1 Schedule of Conditions

1.	<p><b>Time Limit for commencement</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <ul style="list-style-type: none"> <li>• Heritage Statement received on 04 June 2020</li> <li>• Applicant justification of uses received on 10 August 2020</li> <li>• Amended proposed main barn plans and elevations Received on 12 March 2021</li> </ul> <p>Received on 28 July 2020:</p> <ul style="list-style-type: none"> <li>• Applicant - Fognam Farm Instruction - Highways Automatic Traffic Counter</li> <li>• Applicants Highway Technical note response to objections</li> <li>• Phase 1 Land Contamination Assessment</li> <li>• Applicant - Lynchets Instruction - Highways Automatic Traffic Counter</li> <li>• Lynchets Automatic traffic counter Location</li> <li>• Frognam Farm Automatic traffic counter Location</li> </ul> <p>Received on 09 December 2020:</p>

	<ul style="list-style-type: none"> <li>• Amended preliminary ecological assessment</li> <li>• Amended Landscape and Visual Appraisal</li> <li>• Amended drainage statement</li> <li>• Amended Arboriculture Statement</li> <li>• Amended Transport Statement</li> <li>• Amended Enterprise Justification report</li> <li>• Amended land contamination report</li> <li>• Amended site plan</li> <li>• Amended proposed lunge pen</li> <li>• Amended horse walker plan and elevations</li> <li>• Amended managers dwelling</li> <li>• Amended Lighting Assessment</li> <li>• Amended Residential receptor locations plan</li> <li>• Amended Assessed Scheme of Lighting sheet 1</li> <li>• Amended Assessed Scheme of Lighting sheet 2</li> <li>• Amended light spill assessment sheet 1</li> <li>• Amended scheme of Lighting sheet 2</li> <li>• Amended light spill assessment sheet 2</li> <li>• Amended ATC data Appendix 1</li> <li>• Amended sight line splays</li> </ul> <p>Received on 19 July 2021:</p> <ul style="list-style-type: none"> <li>• Applicant response to LLFA</li> <li>• Amended Flood Risk Assessment dated July 2021</li> <li>• FRA Appendix A - Correspondence with EA</li> <li>• FRA Appendix B1- Thames Water Response Email 01042021</li> <li>• FRA Appendix B2- Thames water email 18062021</li> </ul> <p>Received on 05 January 2021</p> <ul style="list-style-type: none"> <li>• Amended Design and Access Statement</li> <li>• Amended Proposed Outbuilding</li> <li>• Amended Field View of the site</li> </ul> <p>Received on 12 August 2021:</p> <ul style="list-style-type: none"> <li>• Applicant response to LLFA - 12.08.2021</li> <li>• Amended Ground Water details</li> </ul> <p>Received on 26 August 2021:</p> <ul style="list-style-type: none"> <li>• Amended Drainage Calculations</li> <li>• Amended combined drainage plan</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning</p>
3	<p><b>Schedule of the materials</b></p> <p>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</p>



	<p>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.</p> <p>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.</p>
4	<p><b>Construction of the residential accommodation</b></p> <p>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.</p> <p>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.</p>
5	<p><b>Dwelling occupation</b></p> <p>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.</p> <p>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.</p>
6	<p><b>Site use</b></p> <p>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.</p> <p>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, 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.</p>

7	<p><b>Restriction on externally stored equestrian paraphernalia</b></p> <p>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.</p> <p>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).</p>
8	<p><b>Scheme for the protection of trees</b></p> <p>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.</p> <p>Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.</p> <p>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.</p>
9	<p><b>Scheme of landscaping</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a) Completion of the approved landscaping scheme within the first planting season following completion of development.</li> <li>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.</li> </ul> <p>Thereafter the approved scheme shall be implemented in full.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping. 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.</p>

10	<p><b>Boundary treatments details</b></p> <p>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.</p> <p>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.</p>
11	<p><b>Sustainable drainage measures</b></p> <p>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:</p> <p>Received on 19 July 2021:</p> <ul style="list-style-type: none"> <li>• Applicant response to LLFA</li> <li>• Amended Flood Risk Assessment dated July 2021</li> <li>• FRA Appendix A - Correspondence with EA</li> <li>• FRA Appendix B1- Thames Water Response Email 01042021</li> <li>• FRA Appendix B2- Thames water email 18062021</li> </ul> <p>Received on 12 August 2021:</p> <ul style="list-style-type: none"> <li>• Applicant response to LLFA - 12.08.2021</li> <li>• Amended Ground Water details</li> </ul> <p>Received on 26 August 2021:</p> <ul style="list-style-type: none"> <li>• Amended Drainage Calculations</li> <li>• Amended combined drainage plan</li> </ul> <p>The sustainable drainage measures shall be implemented in full, maintained, retained and managed in accordance with the approved details thereafter.</p> <p>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).</p>
12	<p><b>Infiltration testing and groundwater monitoring</b></p> <p>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</p>

	<p>Authority. Thereafter the sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>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</p>
13	<p><b>Unforeseen Contamination and remediation (water pollution)</b></p> <p>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.</p> <p>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).</p>
14	<p><b>Spoil management</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) Show where any spoil to remain on the site will be deposited;</li> <li>(b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);</li> <li>(c) Include measures to remove all spoil (not to be deposited) from the site;</li> <li>(d) Include timescales for the depositing/removal of spoil.</li> </ul> <p>All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.</p> <p>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.</p>
15	<p><b>Method of manure removal</b></p> <p>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.</p>

	<p>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 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.</p>
16	<p><b>Plant, machinery and equipment</b></p> <p>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</p> <p>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).</p>
17	<p><b>Access and visibility splays before occupation</b></p> <p>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.</p> <p>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).</p>
18	<p><b>Parking and turning in accord with plans</b></p> <p>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.</p> <p>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).</p>
19	<p><b>Construction Method Statement</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) The parking of vehicles of site operatives and visitors</li> <li>(b) Loading and unloading of plant and materials</li> <li>(c) Storage of plant and materials used in constructing the development</li> </ul>

	<ul style="list-style-type: none"> <li>(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing</li> <li>(e) Wheel washing facilities</li> <li>(f) Measures to control the emission of dust and dirt during construction</li> <li>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>(h) A site set-up plan during the works</li> </ul> <p>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).</p>
20	<p><b>Electric Charging Point</b></p> <p>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.</p> <p>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).</p>
21	<p><b>Landscape and Ecological Management Plan</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>e) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping.</li> </ul> <p>The approved LEMP shall be implemented in full upon commencement of development.</p>

	<p>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 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).</p>
22	<p><b>Construction Environmental Management Plan (CEMP)</b></p> <p>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;</p> <ul style="list-style-type: none"> <li>(a) A risk assessment of potentially damaging construction activities</li> <li>(b) Identification of biodiversity protection zones and a green phasing plan</li> <li>(c) Practical measures to avoid and reduce impacts during construction</li> <li>(d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures</li> <li>(e) The times during construction when specialist ecologists need to be present on site to oversee works</li> <li>(f) Responsible persons and lines of communication</li> <li>(g) The role and responsibilities of the ecological clerk of works or similarly competent person</li> <li>(h) Use of protective fences, exclusion barriers and warning signs</li> <li>(i) Any temporary lighting that will be used during construction</li> <li>(j) A scheme of works or such other steps to minimise the effects of dust during construction</li> <li>(k) The implementation of these measures prior to the commencement of each phase.</li> </ul> <p>The development shall not be constructed otherwise than in accordance with the approved CEMP.</p> <p>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.</p>
23	<p><b>Updated Ecological Appraisal</b></p> <p>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.</p> <p>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</p>

	<p>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).</p>
24	<p><b>Biodiversity Monitoring construction and post works</b></p> <p>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.</p> <p>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).</p>
25	<p><b>Site of Special Scientific Interest (SSSI)</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>1) Protection from pollution, dust, disturbance and other impacts upon the site.</li> <li>2) No materials, machinery or work should encroach onto the SSSI either before, during or after demolition, construction or ongoing use; and</li> <li>3) No pollution from demolition or construction of the development must adversely affect the SSSI.</li> </ol> <p>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.</p> <p>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.</p>
26	<p><b>Habitats enhancements</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>1) A barn owl nest cavity and bat bricks or tiles to be included within the new constructions.</li> <li>2) Measures to ensure the SSSI experiences some controlled disturbance such</li> </ol>



	<p>as grazing, control of weeds, some scrub management and creation of bare chalk (e.g. where there are currently weeds or nettles).</p> <p>3) Details of how the SSSI will be fenced off from horses as unregulated grazing could cause harm to the SSSI.</p> <p>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).</p>
27	<p><b>External lighting</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) Identify those areas on the site that are particularly sensitive for identified protected species that are likely to cause disturbance.</li> <li>(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.</li> <li>(c) Include an isolux diagram of the proposed lighting in relation to any biodiversity mitigation secured in the planning permission.</li> <li>(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.</li> </ul> <p>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.</p> <p>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).</p>
28	<p><b>Thames Water - Source Protection Strategy</b></p> <p>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.</p> <p>Reason: To ensure that the groundwater resource is not detrimentally affected by the development. This condition is applied in accordance with the National Planning</p>

	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	<p><b>Programme of archaeological work</b></p> <p>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.</p> <p>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).</p>
30	<p><b>PD Removal – extensions, outbuildings</b></p> <p>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.</p> <p>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.</p>

## Informatives

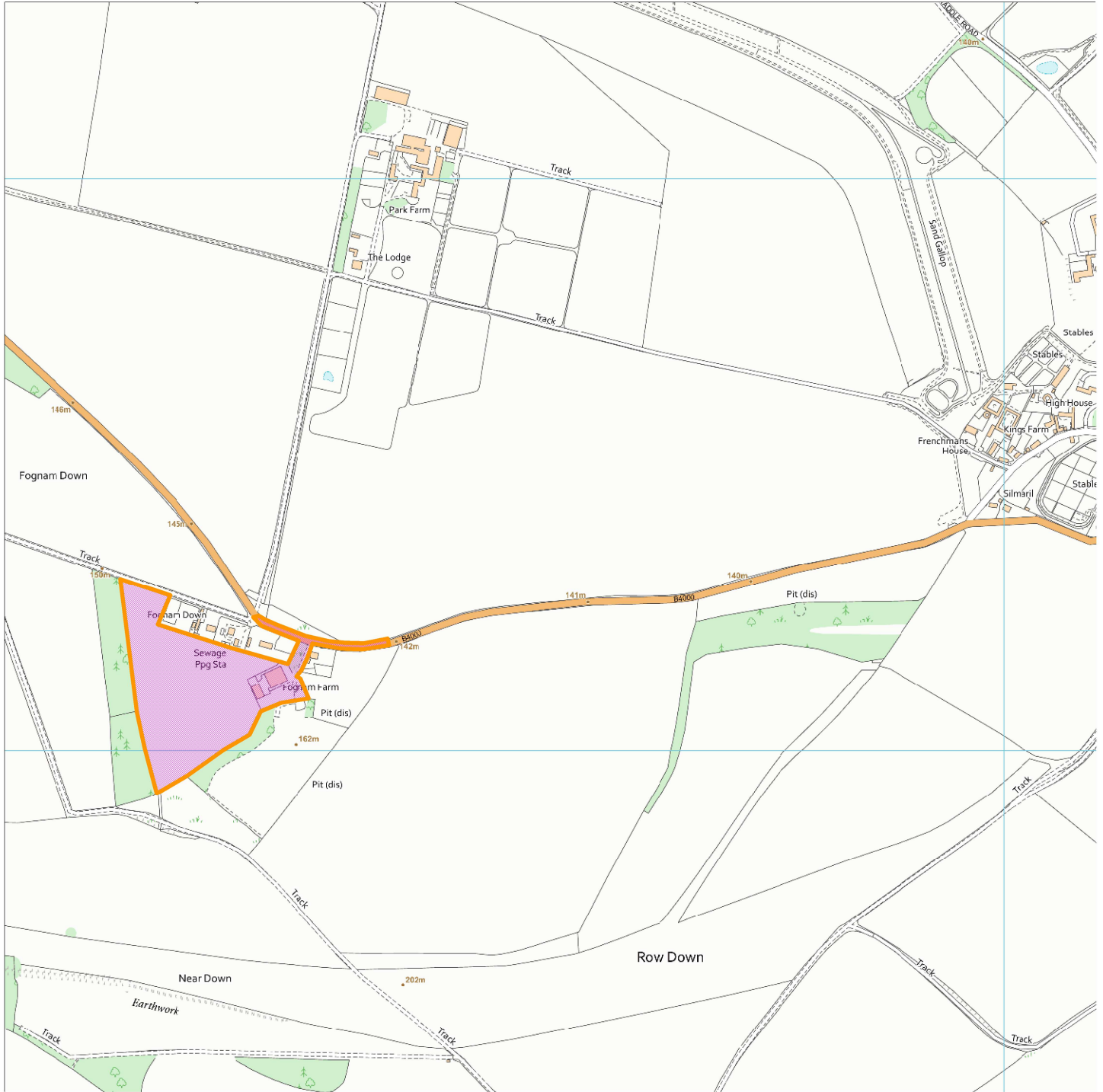
1.	<p><b>Approval - Objections/Support received</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there 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.</p>
2.	<p><b>Access construction</b></p> <p>The Highways Manager, West Berkshire District Council, Transport &amp; 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</p>

	underground services on the applicant's behalf.
3.	<p><b>Damage to footways, cycleways and verges</b></p> <p>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.</p>
4.	<p><b>Damage to the carriageway</b></p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
5.	<p><b>Thames Water - discharging groundwater permit</b></p> <p>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 <a href="mailto:trade.effluent@thameswater.co.uk">trade.effluent@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk">www.thameswater.co.uk</a>.</p> <p>Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
6.	<p><b>Thames Water - discharge to a public sewer</b></p> <p>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.</p> <p><a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-andpay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-andpay-for-services/Wastewater-services</a></p>
7	<p><b>Thames Water - existing water mains</b></p> <p>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. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes</a></p> <p>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. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your</a></p>

	<p><a href="#">development/Working-near-or-diverting-our-pipes.</a></p> <p>Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a></p>
8	<p><b>Thames Water - Water supply capacity</b></p> <p>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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p><b>Mains water for construction</b></p> <p>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 <a href="http://thameswater.co.uk/building-water">thameswater.co.uk/building water</a>.</p>
9	<p><b>Thames Water - Source Protection Zone</b></p> <p>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 <a href="https://www.gov.uk/government/publications/groundwater-protection-position-statements">https://www.gov.uk/government/publications/groundwater-protection-position-statements</a>)</p> <p>and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p>
10	<p><b>Thames Water - easements and wayleaves</b></p> <p>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.</p>
11	<p><b>Environment Agency - Groundwater protection</b></p> <p>The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <a href="https://www.gov.uk/government/publications/groundwater-protection-position-statements">https://www.gov.uk/government/publications/groundwater-protection-position-statements</a>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> <p>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</p>

	the SSAFO Regulations.
12.	<p><b>Environment Agency - Slurry and manure storage</b></p> <p>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 been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility. Further guidance is available:</p> <p><a href="https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil">https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil</a></p> <p><a href="https://www.gov.uk/government/publications/protecting-our-water-soil-and-air">https://www.gov.uk/government/publications/protecting-our-water-soil-and-air</a></p>
13	<p><b>Construction noise</b></p> <p>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.</p> <p>For more information: email <a href="mailto:ehadvice@westberks.gov.uk">ehadvice@westberks.gov.uk</a>, call 01635 519192, or visit <a href="http://info.westberks.gov.uk/environmentalhealth">http://info.westberks.gov.uk/environmentalhealth</a>.</p>
14	<p><b>Royal Berkshire Fire and Rescue Service</b></p> <p>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:</p> <p><a href="https://www.gov.uk/government/publications/fire-safety-approved-document-b">https://www.gov.uk/government/publications/fire-safety-approved-document-b</a></p>

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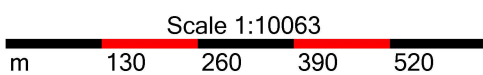
Map Centre Coordinates :

Scale : 1:10062

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	01 October 2021
<b>SLA Number</b>	0100024151



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