

# Notice of Meeting



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## **Western Area Planning Committee**

**Wednesday, 16th March, 2022 at 6.30 pm**  
in the Second Floor Meeting Area Council  
Offices Market Street Newbury

The Council will be live streaming its meetings.

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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 15 March, 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, 8 March 2022

### **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)



**WestBerkshire**  
C O U N C I L

**Agenda - Western Area Planning Committee to be held on Wednesday, 16 March 2022**  
*(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 Democratic Services Team on Email: [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk)

**Agenda - Western Area Planning Committee to be held on Wednesday, 16 March 2022**  
(continued)

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

**Substitutes:** Councillors Jeff Beck, James Cole, Lynne Doherty, David Marsh, Steve Masters, Andy Moore, Erik Pattenden 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** 5 - 120  
To approve as a correct record the Minutes of the meetings of this Committee held on 3<sup>rd</sup> & 24<sup>th</sup> November, 15<sup>th</sup> December and 12<sup>th</sup> January.
  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: 20/02245/FUL Great Shefford** 121 - 146
- Proposal:** Farm Shop in association with The Great Shefford Public House
- Location:** Swan Inn, Newbury Road, Great Shefford, Hungerford RG17 7DS
- Applicant:** J and G (Pub) (UK) Ltd
- Recommendation:** Approval



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(continued)

**(2) Application No. and Parish: 21/02668/FUL Lambourn**

147 -  
160

**Proposal:** Demolition of existing kennel facilities and erection of Class B8 commercial building

**Location:** Hunt Kennels Farm, Ermin Street, Lambourn Woodlands, RG17 7TT

**Applicant:** John Lock

**Recommendation:** Grant planning permission

**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)

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

## 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, 3 NOVEMBER 2021

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

**Also Present:** Sharon Armour (Solicitor), Stephen Chard (Democratic Services Manager), Paul Goddard (Team Leader - Highways Development Control), Jack Karimi (Democratic Services Officer) and Cheyanne Kirby (Planning Officer)

**Apologies for inability to attend the meeting:**

**Councillor(s) Absent:**

#### PART I

#### 23. Minutes

The Minutes of the meeting held on 13 October 2021 were approved as a true and correct record and signed by the Chairman.

#### 24. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett 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.

Councillor Howard Woollaston declared an interest in Agenda Items 4(2) and 4(3), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

#### 25. Schedule of Planning Applications

##### (1) **Application No. and Parish: 21/01911/FULD, Land Adjoining, 11 Pond Close, Newbury**

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council's Planning and Highways Committee where Item 4(1) had been discussed. 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 Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Local Ward Member. 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.)*

## **WESTERN AREA PLANNING COMMITTEE - 3 NOVEMBER 2021 - MINUTES**

*(Councillors Carlyne Culver and Tony Vickers declared that they had been lobbied on Agenda Item 4(1))*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/01911/FULD in respect of the land adjoining, 11 Pond Close, Newbury.
2. 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 Service Director for Development and Regulation 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 stated that the proposal had been considered on three previous occasions, and only refused on highway grounds as a legal agreement needed to be submitted before roads could be widened. It was not refused for any other highway reasons. It should then also be noted that the current proposal was smaller than previous submissions. Seven spaces were required to comply with the Council's car parking standards, and nine spaces were proposed. Cycle storage was provided along with it electric vehicle (EV) charging points. No new accesses were provided with this proposal.
4. Mr Goddard noted that Pond Close was narrow, at just over four metres wide. To alleviate this concern, it was proposed to widen a section of 30m at the front of the site. Existing dwellings to the south had onsite car parking, however nos. 11 and 12 parked on the street. Therefore to allow for space for emergency vehicles, Highways Officers insisted that Pond Close be widened along this section to 4.8m, which was the standard width for all new estate roads. There was also to be a 1.5m wide footway for pedestrians of along the entirety of the frontage. He would expect a maximum of 20 vehicle movements a day for the site and suggested that this was not a significant impact and he reminded Members of paragraph 111 of the National Planning Policy Framework (NPPF), that stated that planning applications should only be refused on highway grounds if the impact was severe. In his view, he did not regard the impact as severe due to the mitigations made.
5. In accordance with the Council's Constitution, Mr Nigel Foot, Newbury Town Council, Ms Lorraine Cladingboel and Ms Rachel Reeves, objectors, Mr Andrew House (A, D and E Property Ltd), applicant, addressed the Committee on this application.

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

6. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
  - Newbury Town Council (NTC) strongly objected to the development, due to the overdevelopment and highways and parking issues, which would limit emergency vehicle access.
  - NTC observed that this was the fourth application over the last 10 years and they had great sympathy the residents who felt that Pond Close could not accommodate a development of this nature due to the parking difficulties and limited access it would cause.

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

7. Councillor Hilary Cole queried how parking would present an issue when more than sufficient parking was being proposed. Mr Foot noted that there was a lot of on-street

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parking at the moment and it was likely that potential residents would have more than one car, or visitors, and that the road was extremely narrow.

8. Councillor Adrian Abbs asked Mr Foot to expand on his knowledge of the area as originally designed. Mr Foot believed that the estate had been built in the 1950s when cars ownership was less common and cars were smaller. Before being fenced off, the garage site had provided current residents park with off-road parking.

### **Objector Representation**

9. Ms Rachel Reeve and Ms Lorraine Cladingboel in addressing the Committee raised the following points:
  - The residents of Pond Close collectively objected in the strongest terms to the development.
  - The applicant had never been approached the residents for consultation.
  - Residents wanted a safe place to live.
  - The Close was very narrow single lane with one entrance and exit point, and visibility was poor due to the slight bend at the entrance.
  - If the application were to be approved, the close would become a dangerous, claustrophobic corridor, with drivers in danger of meeting a vehicle coming the other way. Pedestrians would be forced to walk in the road as cars would have to park fully on the pavement.
  - There were many young children living in the Close who would be put at risk.
  - The proposed site area was used by vehicles to manoeuvre around cars parked in the street.
  - The original planners had provided a passing space in addition to the garages.
  - Until the fence was erected the site was regularly used by residents, visitors and tradesmen as a parking area, passing space or turning area.
  - It was a crucial space for residents, who looked after it, contrary to the views of the applicant. It was only after the fence had been erected that the land has fallen into a state of decay.
  - The applicant suggested that all residents had off-road parking, but this was not the case. Some residents had created off-road parking, at their own expense, however not all residents would be able to do this. The home owners directly opposite the site that owned a camper van and transit van, would not be able to move their vehicles should the development go ahead. Existing residents would be negatively impacted.
  - It was misleading to describe the application as smaller than previous rejected proposals, as the size and position of the buildings was the same, which raised the same concerns as before. The occupancy of the flats would be higher, with flat one housing six people and flat two housing five people. It was likely that rather than families, the flats would house multi-occupancy tenants, who would realistically each own a car. There would not be enough parking spaces to accommodate this number of people. Residents felt this would pose a serious and genuine threat to their safety.
  - The proposed application included a passing point, however the number of dwellings would mean that the area would rapidly become a place to park extra cars.

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- Whilst the applicant had provided electric charging points the likelihood of injury occurring to an adult or child from near-silent vehicle emerging from restricted view parking spaces and driveways would be very high.
- The Close was very family orientated, with no flats in the Close or surrounding area. The proposed housing was not in keeping with the residential type of area.
- As with all the other applications, residents were concerned about access for large vehicles including emergency services as there was no turning circle at the end of the Close.
- The Close was very prone to flooding and had experienced water pipe issues. The addition of more dwellings would exacerbate these issues.
- They were also concerned about the huge inconvenience the building works will create for all residents. The likelihood being that they would be trapped as there was only one access point.
- They were not experts, but were honest, hardworking taxpaying citizens who chose a quiet place to live and were being subject to endless planning applications which will cause irreversible damage to the Close and be detrimental to the safety of its residents.
- This development was too big and the financial gain that the applicant will achieve would be nice for him, but the legacy of his greed would be the abject misery for the residents of Pond Close, as tensions would grow between a close-knit community, as accessibility and parking were permanently reduced, and their safety forever compromised.

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

10. Councillor Tony Vickers asked what had led residents to believe that the flats might be multiple-occupancy households. Ms Reeve responded that it was part of the application, and she doubted whether families would buy a flat.
11. Councillor Vickers sought further clarification as to whether the residents considered parking to be part of their general amenity. Ms Reeve responded that it was. Ms Cladingboel responded that residents had always rented the garages from the Council, until they became derelict. They had then parked on the site. However as it had been fenced-off they could no longer park there. They had tried hard to get cars off the road, but it was now difficult to walk on the pavement as cars were parked there.
12. Councillor Phil Barnett noted that when he had visited the site in the past springs had flooded the area. He inquired whether this was still a regular occurrence. Ms Reeve responded that it was, and that as the new development was at a low point in the road, water would run off the surrounding land into the site. It was called Pond Close for a reason.
13. Councillor Carolyne Culver asked if there was a known incident of an emergency vehicle having difficulty entering the road. Ms Cladingboel responded that the applicant's fence had had to be moved back to allow an ambulance to enter, as it could not get access. Councillor Hooker further queried whether there had been any problems before the erection of the fence. Ms Cladingboel responded that there had not.
14. Councillor Culver noted that there was a turning area on the road opposite no. 21, and asked if that was sufficient. Ms Reeve responded that it was not designed as a



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turning circle and was more of a “three, four or five point turn” area, depending on who many cars were parked on the road.

### **Applicant Representation**

15. Mr Andrew House in addressing the Committee raised the following points:

- This application would deliver a combination of two bedroomed houses, and three bedroomed flats, thereby enhancing the residential stock in this area of Newbury.
- All had been designed to be affordable, possibly for first time buyers, and would utilise a brown field site which was currently unused and an eyesore detracting from Pond Close.
- The application took direction from the reasons for refusal of previous applications, by reducing the level of housing density being applied for, increasing the amount of off-road parking, and increasing the area of amenity space provision.
- The site had redundant concrete garages and an extensive area of concrete hard-standing. This would be transformed into a well-designed development, including trees, grass and soft landscaping as well as taking account of the bio-diversity requirements
- The housing design had been considered for style, positioning and the height of buildings within Pond Close. As well as the outlook of housing backing onto the development from properties fronting Elizabeth Avenue.
- The proposed buildings were subservient to surrounding properties in Pond Close.
- The development would provide high quality accommodation, comprised of a pair of two bedroomed semi-detached houses, and a pair of three bedroomed flats. Each had an EV charging point and two dedicated parking spaces. An additional visitor space was included, fronting the highway that would be widened for an extended length with the insertion of raised kerb stones to enhance pedestrian safety on that footway.
- This application acknowledged the unopposed detail of the previous scheme remaining unchanged in design, parking access, landscaping and bio-diversity all of which had been approved by the Council's consultees.

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

16. Councillor Abbs asked for clarification as to when and why the garages on the site had become disused. Mr House noted that those who had been renting garages were asked to vacate prior to the land being sold at auction. Mr House understood that there had been a minimal number of people using the garages. He also noted that the Planning Inspector at one of the previous hearings, had stated that parking should be prohibited on the site.
17. Councillor Abbs queried what level of sustainability would be built to. Mr House responded unsure of what the standard was called, but that that the architect had confirmed that the build would be to a high quality standard. Councillor Abbs further queried whether the applicant was aware of Policy CS15. Mr House responded that he was not.
18. Councillor Culver posed three questions:
- i. How many of the proposed flats would be affordable?
  - ii. What kind of family would require three double bedrooms?
  - iii. Where was the raised kerb situated?

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19. Mr House responded to question three by explaining that footway would be 1.5m wide, and there would be raised sections in front of the properties where vehicle would not be able to transverse from the highway to the property. His response to question two was that the architect had designed the scheme to mitigate the reasons for refusal of a previous application. As everything else was acceptable to the Planning Inspector, in terms of design and access, rather than totally redesign building, the architect reduced the number of flats from four to two, therefore creating space to allow for larger bedrooms. With regards to affordability, the units were smaller than the general houses within the area, they would be more affordable for a greater number of people.

### **Ward Member Representation**

20. Councillor David Marsh in addressing the Committee as Ward Member raised the following points:
- He wanted to speak in support of the residents of Pond Close. The residents were not NIMBYs (Not in My Back Yard), the site had been allowed to become an eyesore, and were supportive of work that could make it more attractive. However sadly, this development was not appropriate.
  - Pond Close was built in the 1950's the garage area was mandatory and for many years provided parking and a passing place/turning area. He considered that the Council, as the original landowner before it was taken over by Sovereign, had a duty of care to residents not to make their lives worse with additional traffic and parking problems.
  - It was much the narrowest residential road in his Ward. It was basically single lane. The proposed widening, in his view, would not resolve the problem.
  - The problem was much worse for emergency vehicles and waste trucks, which had to reverse the length of the Close to exit as there was no longer a turning space. He considered that the images presented were misleading as they showed no parking cars on the road.
  - Councillor Marsh drew the Committees attention to the applicant's admission that there would be space for five or six people in each flat. He believed that the number of parking spaces was not sufficient for this number of people.
  - Some residents had turned their front gardens into drive-ways, however those directly opposite the site were owned and let by Sovereign. The residents were therefore unable to make changes to the properties and had to park on the pavement. This meant that pedestrians were forced into walking into the road to get past parked vehicles. In his view this issue would be exacerbated.
  - Another issue was that should the sight lines were poor for those exiting the site.
  - Previous applications for this site had been rejected following similar discussions. The applicant had not taken the opportunity to scale back his design, instead he has reduced the number of buildings below the affordable homes threshold, but had increased the number of people that could live in the development. He urged the Committee to refuse the over development.
21. Councillor Abbs in addressing the Committee as Ward Member raised the following points:
- Councillor Abbs considered that the applicant was performing a magic trick to make it look as if the application met the Council's policies, however he doubted

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that changing a 42m parking strip to residential use could meet the Council's standards.

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

22. Members did not have any questions of clarification.

### **Member Questions to Officers**

23. Councillor Vickers referred to the Update Report and asked whether a Condition to provide a Car Club might be relevant to this site, as it had been applied to a large strategic site. The site was built prior to the creation of the PI parking policy, and he queried whether the application should now be looked at with this policy in mind. Mr Till offered the view that the Car Club was used as an offset contribution where there was a shortfall of parking in urban areas. Highways Officers considered that there was no shortfall in parking in this application. In terms of policy PI, this referred to parking to meet the requirements of the site. It did not refer to offsetting parking to facilitate mitigation of what were historic parking problems associated with non-planning issues, those being land ownership and transfer. Mr Goddard stated that a Car Club was a good idea, however he reminded Members that they should consider the proposal before them, and whether it complied with the Council's parking standards.
24. Councillor Vickers raised a question regarding the term "general amenity" and the Planning Inspectors ruling at the last appeal that the application should be refused, as there was over development caused by loss of general amenity. He queried whether general amenity meant the loss of existing parking, and should a new development mitigate the harm caused by the loss of parking. Mr Till commented that it was arguably a matter for debate.
25. Mrs Armour responded that the legislation regarding Section 106, was clear in that it had to be the harm of the development, and that Members should bear in mind whether or not the development was approved the owner could still restrict parking on the site.
26. Councillor Barnett referred to the Update Report and asked whether the width of the road at its narrowest point was still 3.9m. Mr Goddard confirmed that the measurement had not changed.
27. Councillor Barnett further questioned Officers regarding the north side of the site and affected residents in Elizabeth Avenue, however looking at the site he queried whether the house affected by the dip in the land was backing onto Woodridge. Miss Kirby confirmed that the dwelling visible on site was 49 Elizabeth Avenue.
28. Councillor Clive Hooker queried the lack of a consultation response from SuDs, and that the report stated that there was no risk of flooding. However, the objector had mentioned that a spring emerged on the site. He was concerned by the lack of response and the generalisation in terms of how the flooding would be overcome. Mr Till explained that the flooding categorisation under the Environment Agency's flood maps was on the basis of risk of flooding. It was important to note that just because an area was in Flood Zone 1, it did not mean that it would not flood but that it was at the least risk of flooding. Many of the areas that flooded in 2007 were in Flood Zone 1, but experienced an extreme rainfall event. The important thing to note in respect of the lack of SuDs response, which he agreed was unfortunate as it was an issue residents, was that SuDs did respond to the 2020 application which was a high on identical scheme in its built form. In that case, they raised no objections and recommendation of a comprehensive drainage condition. He also noted that the provision of a comprehensive scheme of SuDs requires that calculations were

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provided for an extreme rainfall event and that all onsite surface water was addressed on site, dealt with onsite and did not make its way into the local area to compound flooding problems. The starting point for SuDs conditions was to seek a betterment in the existing situation where there was previously developed land. In that respect, that there were no concerns regarding flood risk in the area.

29. Councillor Hooker asked for clarification of the flooding risk presented by rising springs. Mr Till responded that the only available information was the Environment Agency's Flood Map. Officers were not able to provide details of the rising spring, however he could confirm that it had not been identified as a critical drainage area, where there were factors that would compound to excess flooding issues elsewhere.
30. Councillor Abbs noted that there was a target of an average of 1.5 car parking spaces per home in West Berkshire, and asked if it held any weight in regards to the application. Mr Goddard explained that these were the old national parking standards from 1993. West Berkshire Council's parking standards were updated and became live in May 2017 and replaced the national standards. Policy PI suggests that for a three bedroomed flat two spaces would be provided, and for a three bedroomed house two point five spaces should be provided. The proposal complies with the Council's parking standards.
31. Councillor Abbs noted that there were no yellow lines on the road and asked how parking enforcement would be managed. The Chairman questioned whether Officers were content that cars parked to the south in the driveways would have sufficient space to pull out without parking restrictions. Mr Goddard responded that there were no restrictions planned. The widening of 4.8m had been designed to allow residents to continue parking on the road. It was wide enough to allow a larger vehicle to pass, and was the measurement for all new estate roads. There was an existing issue for emergency vehicles servicing 20 dwellings, it would now serve 24, but at least it would be easier to pass the parked cars as the road would be widened.
32. Councillor Abbs felt that the point was being missed. The widening did not cover all of Pond Close. Mr Goddard agreed that it was only in the areas that vehicles were parked, as further down residents had private driveways. Councillor Abbs offered the view that there were some houses that did not have off-road parking that were on the narrowest point of entry in Pond Close. He was concerned how larger vehicles would gain access at the entry point without any parking enforcement measures in place, and asked whether safety had been taken into account in this spot. Mr Goddard explained that this was an existing problem and was not caused by the proposed development. He asked Members to consider whether four additional properties would make the situation worse for the existing twenty homes.
33. Councillor Culver queried whether the emergency services were consulted on the application. Miss Kirby responded that they were not consulted, and that responses from this consultee were rare. She explained that it was the responsibility of Council's Highways Department to assess whether emergency vehicles could gain access to the road. Mr Till reiterated that it was the Local Highway Authority's responsibility to assess where vehicles could gain access and that it was not the norm to consult with the Emergency services on an application of this scale.
34. Councillor Culver asked whether the removal of what looked like a brickwork bollard could be added as a condition, as it was a significant obstruction. Mr Till responded that planning conditions could not be added on matters that were outside of the applicant's ownership or control.

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35. Councillor Culver wished to confirm with officers the elements of the widened road, that in some places there would be raised kerbs for the benefit pedestrians, and in others lowered kerbs so cars could enter the new houses. Mr Goddard confirmed that where there was not a parking space there would be a full height kerb, and where there was a parking space there would be a dropped kerb.
36. Councillor Culver queried whether there were any regulations regarding indoor amenity. She noted that the design was for a 95 m<sup>2</sup> footprint for a three bedroomed house, for six people and that this would not afford those individuals a large area of indoor amenity. Mr Till confirmed that there were no locally adopted standards or floor space standards, however there were national standards that officers applied when reviewing an application, and it was his understanding that these proposed works were in the region of the national standards in terms of indoor floor space.
37. Councillor Hooker drew attention to the council's recent initiative to encourage people not to park on pavements and queried whether taking away possible parking space along the front of the development would exacerbate the situation. Mr Goddard explained that in his opinion the option to park had already been removed as the land was private and vehicles did not have the right to park on it.
38. Councillor Abbs stated that there was nothing in the application that eased the situation at the entrance to the Close. Mr Goddard reiterated that difficulties in the first stretch of Pond Close was an existing issue that the emergency vehicles already have to negotiate to serve the existing dwellings.
39. Councillor Jeff Cant expressed the view that there were long-standing issues with parking and access in Pond Close. The application complied with the parking and highways requirement of the council policies and was not, in a planning sense adding to the issue. Mr Goddard concurred that the proposal did comply with the parking standards and would not add to the parking issue, but would improve matters for emergency vehicles as it would provide a wider section of public highway and a 1.5m wide footway.
40. Councillor Vickers posited that the land was private, however its use class, which was one of parking for the existing residents, did not change until a new development was allowed. Mr Till advised that it was important to avoid confusing the ideas of private ownership and use class. The use class was residential and it was previously development land, and that was its planning use. In terms of whether it was used for parking or for residential development, the planning did not change. The historic issue of private ownership that keeps being referred back to, was not something that planning officers could seek to address.

### **Debate**

41. Councillor Abbs stated that he was not inclined to approve the application. He considered that the basic questions of safety and potential flooding had not been answered and felt that the residents did not deserve the development.
42. Councillor Cant had considerable sympathy for the residents at the loss of a piece of land that had been used for parking, and where the owner wished to develop it, and the inconvenience that this was causing. However, the Highways Officer had been clear in advising that these difficulties would continue, whether or not the application was approved. He saw no coherent practical planning reason to refuse the application.
43. Councillor Hilary Cole noted that she was sat on the Committee in 2012 when an application on the site was first considered, and all the same arguments had been discussed. The site was a derelict now and had been in 2012, and had been under

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different ownership. It was a brownfield site and therefore the presumption was in favour of development, and although residents had been used to parking on the land, Members had to bear in mind the owner was entitled to fence it even if they were not going to redevelop it. However, she was disappointed that the applicant had reduced the number of dwellings to less than five, in order to not have to provide affordable housing, and instead had proposed two flats capable of being houses of multiple occupation. She would prefer to see a new application which delivered a more appropriate housing for the location as it was self-evident from looking at the number of proposals that this was a site that was difficult to develop. She understood the applicant wanted financial gain but had to bear in mind the amenity of the resident and she felt that the proposal was not the right development for this site. She accepted the officers had given it great consideration and respected their judgement, however she felt that she could not support the application.

44. The Chairman concurred with Councillor Hilary Cole, noting that there had been a number of applications on the site. He asked Members to bear in mind that the only issue the Planning Inspector had raised at the appeal for the previous application was the lack of affordable housing.
45. Councillor Vickers commented that the former garage site was land which had been allocated for parking the cars belonging to the residents of Pond Close, and had remained as part of that general amenity for some time. He felt it was not right to take it away from them. He noted the lack of a local or national policy that distinguished between land used for communal, residential parking, from general brown field land, and the usefulness of car clubs.
46. He further stated that during the meeting where the first application was discussed, an objector had said, "...was time wasted moving cars would cost lives". The previous owners, Sovereign had deprived their tenants use of the parking space and at the appeal, the Planning Inspector had used the loss of general amenity as one of the reasons for refusal. However, Councillor Vickers did not understand why he also stated that it would not be reasonable to require any re-provision of the unauthorised parking or garage space as part of the proposal. Since the previous proposals, there has been various changes to policy. He noted there were 26 spaces off-road, and therefore under policy P1, 40 to 50 spaces would be needed for the existing number of residents, so the under provision for parking for the whole Close would be between 10 and 20 spaces short. If it were necessary for new developments to have to meet policy P1 requirements, then he queried how it could be reasonable to achieve this by taking away the same standard of parking from existing residents.
47. He believed that the application should be refused, and Members should expect a proposal which had some new housing, but which considered the needs of the existing residents. If Members did not want to refuse the application then perhaps they could consider condition that the spare space be made available for general parking. He felt that this was about more than just the site of the development and that this situation would reoccur all over the district in areas of this kind and a policy was needed to ensure that any re-development did not harm any general amenity of the existing residents.
48. Mr Till wished to inject a word of caution. There had been an appeal decision in February 2021 on what was practically an identical scheme. The Planning Inspector did not take the view that parking and amenity concerns were relevant to the issue or contrary to policy. He refused the application on affordable housing concerns alone. Mr Till added that in terms of the 2012 decision, the changes to national and local policy were so vast that the reasons given then would not be relevant to a decision

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being taken today. Mr Till asked that if members were minded to refuse the application, they should provide clear reasons for the decision to do so, and that they be formulated on the basis of the current policy position.

49. Councillor Barnett noted that circumstances had not changed, even if policies had. The road was too narrow, was difficult to access, and was built at a time of few cars and readily available public transport access. If the development were to be occupied by multiple adults, it would generate a large number of additional cars on the road, which would adversely affect the quality of life for residents. Councillor Barnett added that as a derelict, brownfield site, it needed development, however the space was not adequate for the type of buildings being proposed. Councillor Barnett added that he believed there were several incidents of flooding caused by springs, and had grave concerns that a development would be subject to additional flooding.
50. Councillor Abbs proposed to reject officer's recommendation and refuse planning permission for reasons of safety, lack of net zero carbon homes, high risk of occupancy as a HMO, loss of general amenity, and issues around SuDs. This was seconded by Councillor Vickers.
51. The Chairman noted that he was nervous of the Members proposal, as he felt a refusal would be judged to be against policy and that officers had given very clear reasons as to why permission should be granted, however he accepted the proposal.
52. Mr Till stated that the Council's policy did not seek zero carbon for minor residential developments. However, it did have provision for major residential developments, and that was currently being contested in the Sandleford appeal. Therefore, he was concerned that if Members were resolved to progress and include it as a reason for refusal, then they would be directly contrary to the council's Local Plan policies.
53. Councillor Abbs read from Policy CS15, which had been not been tested, to demonstrate that it did not distinguish between minor and major residential development. Mr Till responded that the Code for Sustainable Homes (CSH) was a separate issue from net zero carbon within Policy CS15. The policy, which had since been disbanded, sought compliance with the CSH separately and applied a requirement for a reduction of CO<sup>2</sup> emissions for major developments only. Councillor Abbs responded that he read the CSH with regards to level 6 it stated a home would have to be completely zero carbon. He was struggling to understand why it could not be used in this instance. Mr Till explained that the CSH no longer exists, and the renewable energy requirements of Policy CS15 stood apart from its reference to CSH.
54. Mrs Armour asked for clarification on the safety reason for refusal and whether Members were stating that the proposed development would make safety worse. Councillor Abbs confirmed that this was the case. She also queried whether the existing SuDs condition was not sufficient to mitigate concerns. Councillor Vickers stated that if the vote were carried he would explain what he had found in the 2019 National Planning Policy Framework (NPPF) that had resulted in the reason for refusal in this area.
55. Mr Goddard stated that he was concerned about citing highway safety as a reason for refusal as there had been three, larger proposals on this site that had been considered by a Planning Inspector and on none of these occasions had highway safety been raised as a concern. He was concerned how this could be defended at appeal. He reminded Members that the proposal complied with the council's parking standard, no residents parking is being lost, off-road parking was being provided, and

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the road was being improved by being widened. He was concerned that the decision would be overturned at appeal and costs be awarded against the council.

56. Mr Till again queried the reason for Members concern that the existing SuDs condition was not sufficient, as at appeal officers would have to defend the decision. Councillor Abbs stated that he had proposed the reason on the suggestion of another Councillor, and was happy for it to be removed. Councillor Vickers concurred agreed as he considered the current condition to be adequate. He felt that Members might want to discuss the matter before discharge, as there was not an extant Flood Risk Management Strategy. Councillor Hooker concurred with the decision.
57. Councillor Culver queried whether insufficient consideration of the cumulative impact of flooding could be used a valid reason for refusal, noting that the presence of the springs had not been considered. Mr Till stated that it would be possible to cite this as a reason for refusal, however he was concerned that the evidence provided was by word-of-mouth, and not by any technical survey that indicated that there was a cumulative concern with flooding in the area. The technical survey carried out by the Environment Agency categorised the land as being in Flood Zone 1, and would indicate that there was not a cumulative risk of flooding in the area.
58. Mrs Armour sought a summary of the reasons for refusal before the vote was taken. Mr Till summarised the reasons:
- Failure to provide a zero carbon development, and therefore contrary to the requirements of Policy CS15.
  - The four houses would unduly increase the risk to highway safety associated with the access to Pond Close.
  - The imposition of restrictions on parking that the four houses would cause would unduly impact on the amenity and quality of life of local residents.
59. Councillor Vickers recounted the following reason quoting from the NPPF 2019:
- Overdevelopment as it failed to take local circumstances into account to reflect the needs of the area i.e. the existing lack of off-street parking for existing residents. It was in effect removing a general amenity, which could not be met elsewhere.
60. Councillor Abbs agreed that these were the reasons. Councillor Vickers added the caveat that NPPF 11c was not an up-to-date plan and policy P1 was part of the Local Plan, but was not part of previous decisions. He believed policy P1 was a material consideration in the NPPF.
61. Mr Till had concerns regarding the unnecessary loss of facilities aspect, as it was referring to historic use of the site, land ownership and transfer. He advised that Members should be mindful that when dealing with a planning application they should deal with the site as it was now and could not address matters that were created as problems by previous owners of the site in terms of land transfer. He would be concerned regarding adding that to a refusal reason.
62. The Chairman asked if Councillor Vickers would be happy to remove this as a reason for refusal. Councillor Vickers said he would not.
- [Councillor Abbs spoke but could not be heard as his mic was not turned on]
63. Mr Till advised the Chairman that should Members refuse the application, he would be seeking guidance from Senior Management as to whether the application should be considered at District Planning Committee.



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64. Councillor Hooker asked for clarification as to the need to refer the decision to the District Planning Committee. Mr Till explained that he was concerned that the decision would be contrary to the requirements of policy P1, and the NPPF, in terms of taking into account matters that were beyond the remit of the Local Plan policies, and planning in general, regarding land ownership.
65. Councillor Cant believed that no reasons for refusals offered were valid in planning terms, despite the moral high ground, and it would be defeated at appeal. The Chairman concurred.
66. Councillor Abbs asked whether further debate points should be made at this stage, now a proposal had been made. Mrs Armour stated that they should not, but many points made were informative.
67. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Vickers to refuse planning permission. At the vote the motion was carried.

**RESOLVED** that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

### **Reasons**

**Highway safety and general amenity:** Pond Close is a narrow residential road serving a number of properties. Parking is tightly constrained in the vicinity of the application site, a situation that has been compounded by the historic loss of private residential parking on the location of the application site and limited alternative parking provision, resulting in the need for residents to utilise on street parking for their vehicles. The proposed works would result in an increased demand for parking, with the size of rooms in the proposed flats resulting in potential multiple occupation, overdeveloping the site and increasing the demand for parking associated with the development beyond the number of parking spaces provided, and the reduction in on street parking reducing the general amenity of existing residential occupants of Pond Close, detracting from the quality of life of existing residents and compounding existing access problems for residents' vehicles and emergency vehicles, endangering highway safety. The proposed works would therefore be contrary to the requirements of Policy P1 of the West Berkshire Local Plan Housing Site Allocations DPD (2017) which specifies that there may be exceptional circumstances where there is a case for providing parking that does not accord with the levels set out in the policy, and notes in its supporting text that levels of parking provision and the way in which they are designed are important factors in creating good quality environments. The proposed works would fail to meet the requirements of Policy CS14 of the West Berkshire Local Plan Core Strategy 2012, which requires development to make good provision for access by all transport modes and to make a positive contribution to the quality of life in West Berkshire. Furthermore, the proposed works would fail to take account of local circumstances contrary to paragraph 9 of the National Planning Policy Framework and would result in the loss of valued facilities for parking for existing residents, contrary to the requirements of paragraph 93 of the National Planning Policy Framework.

**Zero carbon development:** The proposed works would fail to provide zero carbon residential development and are therefore contrary to the requirements of Policy CS15 of the West Berkshire Local Plan Core Strategy 2012 which requires, inter alia, that all residential development shall achieve Zero Carbon from 2016. Furthermore the proposed works would be contrary to the requirements of Part 14 of the National Planning Policy Framework which states that the planning system should support the transition to a low carbon future by shaping places in ways that contribute to radical reductions in greenhouse gas emissions and supports renewable and low carbon energy.

**(2) Application No. and Parish: 21/02022/CERTE, Land at Coldborough Hill, Eastbury, Hungerford, Lambourn**

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*(Councillor Howard Woollaston declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Lambourn Parish Council. 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. He also declared that he had been lobbied on Agenda Item 4(2).)*

68. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/02022/CERTE in respect of land at Coldborough Hill, Eastbury, Hungerford, Lambourn.
69. 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 Service Director for Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
70. In accordance with the Council's Constitution, Councillor Howard Woollaston, Lambourn Parish Council, addressed the Committee on this application.
71. 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 Highways Service had not been consulted, however they had no objection as there was plenty of space on the site for parking and any changes to traffic would be minimal.

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

72. Councillor Howard Woollaston in addressing the Committee raised the following points on behalf of Lambourn Parish Council:
  - At the site visit the applicant had satisfied the officers that they had been living at the location for more than four years, had registered on the electoral roll at the address, and had utility bills at the address for more than four years.
  - There had been multiple complaints about unlawful building on the location prior to the previous four year period, however no enforcement notice had been served, and the issue had been resolved through officer discussions.
  - Therefore, the Parish Council wished to question the electoral roll registration, the previous complaints to Planning Enforcement and the councils own Core Strategy Development Plan.
  - With regard to establishing residency for the last four years, getting utility bills at a horse yard was not uncommon, even recreation areas can have water and electricity, but that was all this land was supposed to be used for.
  - To be able to get on the electoral roll for a location which was designated a recreational horse yard would require utilising a non-standard route. We ask the Committee to refer this matter to Electoral Services for investigation. Until this has been resolved the Parish Council would maintain that it would be illegal to certify it as an independent dwelling.
  - To address the previous complaints to Planning Enforcement, whilst the current planning officers might only consider the application before them, the Committee could look at the broader picture.
  - There were insufficient Enforcement Officers at West Berkshire Council and an unachievable backlog of cases. Therefore, the lack of understanding as to why

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previous Enforcement Notices had not been issued, and concerns not been addressed could be explained.

- As a lack of resource of the Council had led to members of the community being ignored and while residents had the right to make complaints, it appeared that complaints had fallen on deaf ears.
- If residents were to have confidence in the Council, they needed to know that they would be heard and respected, and that actions were being taken.
- The Parish Council asked that if the complaints had been properly investigated, would the application be before the Committee for its consideration.
- With regard to the Area of Outstanding Natural Beauty (AONB), the Council had a Core Strategy Development Plan Document (2012-2026) (CSDPD) therefore covering more than the four year period leading up to this application. In the CSDPD, Policy 5 stated that the North Wessex Downs was area of AONB that should be managed, conserved and enhanced.
- In addition within the CSDPD, the objective with regards to housing growth stated that homes would be delivered in an effective and timely manner, maximise the use of suitable brownfield land, and have access to facilities and services, at a density which would make the most efficient use of the land, whilst responding to the existing built environment. He asked Members to consider how this application complied with the CSDPD.
- Lambourn Parish Council asked the Committee to consider the failure to properly document and investigate the complaints made by residents, investigate the legality of the electoral roll registration, and to act in line with the CSDPD and reject the application.
- Councillor Woollaston stated that he personally found this to be a sad case.

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

73. Councillor Phil Barnett asked whether he believed that the situation had come about due to a lack of Enforcement Officers.

[Councillor Woollaston comments could not be heard as his mic was turned off]

74. Mr Till stated that he could not comment on resources in the Enforcement team or any potential investigations. He stated that he had been an Enforcement Officer however, and had investigated the installation of a window in an unauthorised manner and also the insertion of a mezzanine floor. These were a matter of fact and relevant to the Committee's consideration, so he felt he was able to disclose them. However, he did not believe the Committee was an appropriate place to discuss matters any further.

### **Member Questions to Officers**

75. Councillor Adrian Abbs sought clarification as to when Mr Till had made the Enforcement Officer investigations. Mr Till estimated it would have been between 2007 and mid-2011.

76. Councillor Carolyn Culver noted that on page 26 of the officer's report, it stated that an Enforcement Letter had been sent in 2010, and asked what recourse the Council had if Planning Enforcement Order was not responded to. Mr Till could not comment on the content of the letter. However it was likely that it was related to his investigation, and in that case the window was sealed up again. In terms of recourse to further Enforcement Action where requests from the Council had not been

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honoured, the case would be assessed and whether it was expedient to take action against the resident.

77. Councillor Culver sought confirmation that the Council did not have a schedule of regularly checking whether an order has been abided by and would be relying on local people to keep them informed. Mr Till suggested that this was not relevant to the application.
78. Councillor Hilary Cole queried that if the applicant had submitted a full planning application, whether it would have been approved. Mr Till responded that he could not comment on a planning application that had not been submitted. However, in broad term the principal for a new residential development would be a presumption against, as it was in a countryside area. A redundant dwelling would be considered under another policy.
79. Councillor Abbs asked if the COVID-19 lockdown had had any effect on the relevant legislation. Mr Till explained that there were certain cases in which the deliberate hiding of works during the lockdown would potentially come into play in terms of Enforcement action, namely the time limit for action being taken. However, there was no evidence of a deliberate attempt by the applicant to conceal that she was living on the site. She had registered at the local GP and on the electoral roll, and that local community had made complaints. In addition, the four year period commenced before the pandemic began. It was his professional view that the pandemic would not play a part in the decision. Councillor Abbs noted that utility bills were not unusual and did not point towards residency, however a TV license would have been a convincing document. Mr Till explained that the relevant test was whether the evidence contradicted the applicant's version of events. The evidence provided included the statutory declaration submitted by the applicant and the letters that corroborated it and was not contradicted.
80. Councillor Jeff Cant queried whether conditions could be attached to this application. Mr Till responded that conditions could not be applied to a certificate of lawfulness.
81. Councillor Hooker sought clarification as to whether the Council had already determined whether it was a bona fide address when approving electoral registration. Mr Till responded that he would presume that Electoral Services would need evidence of residence before they allowed a registration, however he was not sure of the technicalities involved. Councillor Hooker queried whether this meant that the Committee was bound to approve the application. Mr Till reiterated that the relevant test was whether the applicant's evidence had been contradicted, and this had not been the case.
82. Councillor Barnett asked if there was a postcode for the property. Mr Till responded that there were many places in the district that did not have a postcode. He was not certain if the site had postcode. Mr Goddard responded that his team was responsible for street naming and numbering. He explained that Council Tax and Electoral registration would have a property on their data bases in order to provide a service, however that did not necessarily mean that the property had an address. It enabled the property to be given an address later in the process. An official address would be provided once a planning consent had been approved on the site. Following this, Royal Mail would be contacted and they would provide the postcode. Councillor Tony Vickers noted that an address was not a prerequisite for electoral registration for example a homeless person was entitled to register to vote.

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83. Councillor Hilary Cole asked for confirmation that Policy CS19 could not be considered in this case, as it was an application for existing use. Mr Till confirmed that none of the Local or National policies could be considered for this application.
84. Councillor Woollaston reiterated Councillor Cant's point about applying conditions to the permission. Mr Till stated that although it was not possible to apply planning conditions, the certificate of lawfulness related strictly to the land within the red outline and did not allow for residential use for anything beyond the unauthorised dwelling that was currently on site.

### Debate

85. Councillor Hilary Cole opened the debate by stating that although the application was legal, it was circumventing the process and it would be preferable to have seen a full application submitted. It was self-evident that the resident's intention had always been to live on the site. It was substandard accommodation and unfortunate that there was an apparent lack of communication between services in the authority. She was aware of another case where stables for polo ponies had been turned into accommodation and urged that the Council needed to be more vigilant. In her view the application was not satisfactory, however she did not see how it could be refused.
86. Councillor Vickers stated that he believed the Committee had no option but to accept officer's recommendation, however the objectors deserved a public record of what needed to happen going forward. The Chairman suggested that it be raised with Planning Advisory Committee. Councillor Vickers agreed, but noted it fell entirely outside of the planning policy.
87. Councillor Jeff Cant proposed to accept officer's recommendation and grant planning permission. This was seconded by Councillor Vickers.
88. Councillor Abbs questioned how such permission could be granted when other measures may be required to grant access to the site. Mr Till explained that Members were only considering whether unauthorised use of a building as residential had taken place, therefore the red line was limited to the building and this was the area of the site that should be considered.
89. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Vickers to grant planning permission. At the vote the motion was carried.

**RESOLVED that** the Service Director for Development and Regulation be authorised to **GRANT** a Lawful Development Certificate for the retention of use of part of the existing stable building as an independent dwelling for the reason set out below.

Reason

1.	<p><b>Approval</b></p> <p>Based on the evidence submitted by the applicant and the evidence available to the Council, the Council is satisfied that the applicant's evidence is sufficiently precise to prove that, on the balance of probability, the use of part of the building as a dwellinghouse as shown by the red line on location plan received on 4<sup>th</sup> August 2021 at Land at Coldborough Hill, Eastbury, Hungerford has been carried out for 4 years or more prior to 4<sup>th</sup> August 2021. Accordingly the provisions of Section 171B and Section 191 of the Town and Country Planning 1990 Act have been satisfied.</p> <p>On the balance of probability, a Certificate of Lawfulness is granted.</p>
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	<p>Evidence submitted:</p> <p>Location Plan NH1 P3837.100A received on 4<sup>th</sup> August 2021; Internal Layout Plan NH4 P3837.101 received on 4<sup>th</sup> August 2021; Photo of completed building NH3 on 4<sup>th</sup> August 2021; Planning Statement 15687 received on 4<sup>th</sup> August 2021; Approved Plans and Decision Notice for Application 07/01075/FUL NH2 received on 4<sup>th</sup> August 2021; Utility Bills NH5 received on 4<sup>th</sup> August 2021; Letter from Lambourn Surgery NH6 received on 4<sup>th</sup> August 2021; Confirmation of Voting Address NH7 received on 4<sup>th</sup> August 2021; Bank Statements NH8 (part 1 and 2) received on 4<sup>th</sup> August 2021; Letters from Residents NH9 received on 4<sup>th</sup> August 2021; Statutory Declaration received on 4<sup>th</sup> August 2021.</p>
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### **(3) Application No. and Parish: 20/02922/FUL, 39 Newbury Street, Lambourn**

*(Councillor Howard Woollaston declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a Member of Lambourn Parish. 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.)*

90. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/02922/FUL in respect of 39 Newbury Street, Lambourn, Hungerford.

#### **Continuation of Meeting**

91. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(3).

92. Mr Simon Till, Team Leader (Western Area Planning), introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

93. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the proposal complied with Policy P1, with the standard of 2.5 spaces per three bedroom house for this part of the district. The proposed access was of sufficient width, and the sightlines onto the public highway were in accordance with standards. Considering the existing bungalow he would consider an increase of 18 vehicle movements a day in total, and did not consider that the development would lead to any detrimental impact.

94. In accordance with the Council's Constitution, Ms Louise Wilkin, objector, addressed the Committee on this application.

#### **Objector Representation**

95. Ms Wilkin in addressing the Committee raised the following points:

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- There was a previous application for the site and Members would be deciding on which design to approve.
- She wanted to present the case for local knowledge. Thames Water had said that there was no problem with waste water and sewage. This was only partially true. In reality, whilst the pipes are able to take the sewage, they can not take the extra load when it rains. Ground water and rain water seep into the pipes and it cause flooding. This had been going on for 20 years and Thames Water had only recently begun to address the issue properly by lining the drains. The project was not yet completed and the temporary fix was to bring mobile pumps which collected the water and the sewage, filter it and then feed it into the river Lambourn.
- The residents had had enough of the filthy streets, noisy pumps and dirty river. However Thames Water frames it the fact was that the Lambourn drains were not fit for purpose. They were not able to deal with the village as it was and she was asking the Committee to stop allowing more new homes to be built until Thames Water are on top of things.
- Her other comment was about highways. Another conflict between theory and reality. It was fine to look at the site map and visibility sightlines were great, but it did not show any parking. In reality, there are two buses. People needed cars and lots of the older houses do not off-road parking. The side roads adjacent to the site are already full most of the time. The inevitable overspill from the site, would go onto the main road, which was a narrow village road with two blind bends on either side of the site. There were already problems with the Nippy Chippy shop and street parking.
- She asked that it be ensured that the sightlines were kept clear by putting double-yellow lines along Newbury Street.
- She wanted to bring to the Committee's attention the frustration with Thames Water and the flooding in the area.

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

96. Councillor Tony Vickers asked whether Thames Water had revealed whether the problem was due to leakage, or because parts of the system were combined drainage. Ms Wilkin responded that it was due to leakage from very old pipes, and that work to provide lining was incomplete and therefore as more houses were being built the flooding continued.
97. Councillor Carolyne Culver asked how often these sewage leakage problems occurred. Ms Wilkin responded that it happened every time it rained to varying degrees.
98. Councillor Culver asked whether the images of on-street parking provided were unrepresentative of the reality. Ms Wilkin felt that the photographs did not represent reality. Parking occurred on two side roads, Tubbs Farm Close, which was always full, and Station Road, which was usually busy but was empty on the day it was photographed.

### **Ward Member Representation**

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

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- As there was no objection raised by Lambourn Parish Council and there was an extant planning permission, he could not see any real grounds to reject the scheme, which in his view was more sympathetic than the previous scheme.
- He did appreciate the concerns regarding drainage, and it had been an ongoing issue for many years caused by ground water penetration into the old pipes.
- He chaired the Lambourn Valley flood forum and the pipes would eventually all be relined and the man-holes sealed. To his know the work had been carried out in this location and he could therefore see no reason to refuse the application.

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

100. Members did not have any questions of clarification.

### **Member Questions to Officers**

101. Councillor Adrian Abbs sought clarification on how many parking spaces were proposed. Mr Goddard explained that there were initially eight spaces proposed, which was objected to by Highways officers as it did not comply with Policy P1, and amended plans now included ten parking spaces. Mr Till responded that the amended plans would be what was adhered to.
102. Councillor Culver asked why there were only two electric vehicle charging points for four houses. Mr Goddard responded that they had been placed between two spaces each, so four spaces would have access.
103. Councillor Phil Barnett sought clarification about the level of the site in relation to the street. He queried the depth of the footings of the building. Mr Till responded that the depth of the footings was not relevant to the eventual height of the building. The depth of the footings would be as deep as it needed to be in order to provide a ceiling height for the rooms within the building, and would not affect the ridge height which was set within the planning application details. There was a condition to secure details of the levels in order to establish both the depth and each finished floor level, to ensure the ridge height, as set in the planning drawings.
104. Councillor Tony Vickers asked who would be responsible if the retaining wall were to be damaged by the construction. Mr Till explained that it was not a planning matter, but one for civil legislation. It was a civil engineering problem. Councillor Tony Vickers asked whether there was communication between Building Control and Planning officers should the levels need to be amended. Mr Till advised that the point was venturing outside of planning matters and into internal communication processes. If it was noted that works were being constructed in an unauthorised fashion, then the works would need to be investigated and decision made as to whether it was expedient to take formal action.

### **Debate**

105. Councillor Abbs opened the debate by stating that there were few objections, but suggested that Policy CS15 be included as a condition. Mr Till responded that he found it difficult to frame a wording for a condition that did not refer properly to the policies of the Local Plan. He reiterated that policy CS15 did not seek for minor residential developments to be zero carbon, and that the Code for Sustainable Homes had been abolished.
106. Councillor Culver noted that it was disappointing that the applicant was not present to make their views known and address the public's concerns and reassure them.



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107. Councillor Vickers proposed to accept officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Hilary Cole.
108. Councillor Culver stated that it was ironic Thames Water raised no objection when there was clearly an issue with foul water and considering the amount of discharge into local rivers.
109. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Hilary Cole 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.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall begin not later than three years from the date of this decision.</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>Block and Location Plan, drawing number 11420-11 received on 10<sup>th</sup> December 2020;</p> <p>Proposed Site Plan, drawing number 11420-01 Rev C received on 15<sup>th</sup> October 2021;</p> <p>Visibility Splay Plan, drawing number 11420-12 received on 10<sup>th</sup> December 2020;</p> <p>Proposed Rear and Front Elevations Plan, drawing number 11420-06 Rev A received on 24<sup>th</sup> September 2021;</p> <p>Proposed Side Elevations Plan, drawing number 11420-07 Rev A received on 24<sup>th</sup> September 2021;</p> <p>Proposed Ground Floor Plan, drawing number 11420-02 Rev A received on 24<sup>th</sup> September 2021;</p> <p>Proposed First Floor Plan, drawing number 11420-03 Rev A received on 24<sup>th</sup> September 2021;</p> <p>Proposed Second Floor Plan, drawing number 11420-04 Rev A received on 24<sup>th</sup> September 2021;</p> <p>Proposed Roof Plan, drawing number 11420-05 Rev A received on 24<sup>th</sup> September 2021.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Construction Method Statement</b></p>

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	<p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> <li>(a) A site set-up plan during the works;</li> <li>(b) Parking of vehicles of site operatives and visitors;</li> <li>(c) Loading and unloading of plant and materials;</li> <li>(d) Storage of plant and materials used in constructing the development;</li> <li>(e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;</li> <li>(f) Wheel washing facilities;</li> <li>(g) Measures to control dust, dirt, noise, vibrations, odours, and surface water run-off during construction;</li> <li>(h) A scheme for recycling/disposing of waste resulting from demolition and construction works;</li> <li>(i) Hours of construction and demolition work.</li> </ul> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
4.	<p><b>Tree Protection</b></p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012. 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>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 National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any</p>

	development takes place.
5.	<p><b>Sustainable Drainage</b></p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:</p> <ul style="list-style-type: none"> <li>a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the Sustainable Drainage Systems SPD (December 2018);</li> <li>b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels; any soakage testing should be undertaken in accordance with BRE365 methodology;</li> <li>c) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;</li> <li>d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</li> <li>e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;</li> <li>f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;</li> <li>g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;</li> <li>h) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;</li> <li>i) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</li> <li>j) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;</li> <li>k) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.</li> </ul> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p>

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	<p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Systems SPD (December 2018). A pre-condition is necessary because insufficient detailed information accompanies the application and sustainable drainage measures may require work to be undertaken throughout the construction phase, therefore it is necessary to approve these details before any development takes place.</p>
6.	<p><b>Ground and Finished Floor Levels</b></p> <p>No development shall take place until details of existing and proposed ground levels, and finished floor levels of the dwellings, 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.</p> <p>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).</p>
7.	<p><b>Biodiversity measures (prior approval)</b></p> <p>No development shall take place until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include bat boxes and bird boxes. Thereafter, no dwelling shall be occupied until the measures related to that dwelling have been installed/constructed in accordance with the approved details.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. 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 National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
8.	<p><b>Protection of breeding birds during construction</b></p> <p>No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation or buildings/structures for active birds' nests immediately before the vegetation or buildings/structure</p>

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	<p>is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.</p> <p>Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
9.	<p><b>Soft stripping before mechanical demolition</b></p> <p>No mechanical demolition of the existing dwelling and garage will take place until a soft strip of the roof has been undertaken. The roof tiles will be lifted carefully by gloved hands, or with handheld tools as necessary, supervised directly by a licensed ecologist or 'Registered Consultant' under the Bat Mitigation Class licence. In the event that bat(s) are discovered during the course of the work, the ecologist will capture the bat(s) and transfer it/them directly to a bat box erected in advance of the works. If a bat is found during work to the remainder of the property when the ecologist is not present, works will stop immediately, and a licensed ecologist will be called back to site to provide further advice. Mechanical demolition shall not take place until the licensed ecologist has confirmed that all potential roosting sites have been stripped adequately.</p> <p>Reason: To avoid harm to protected bat species during demolition operations. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
10.	<p><b>Materials</b></p> <p>No construction above slab level of any dwelling shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</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, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
11.	<p><b>Soft landscaping</b></p> <p>No dwelling hereby permitted shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed</p>

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	<p>plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of any new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme 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>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
12.	<p><b>Hard landscaping</b></p> <p>No dwelling hereby permitted shall be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
13.	<p><b>Provision of Footway</b></p> <p>No dwelling shall be first occupied until the 1.5-1.6 metre wide footway to be constructed on the western side of Newbury Street fronting the application site has been provided in accordance with drawing number 11420-01 Rev C received on 15<sup>th</sup> October 2021 and any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway.</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
14.	<p><b>Electric Charging Point</b></p> <p>No dwelling shall be first occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. Thereafter, the charging points shall be maintained and kept available and operational for the charging of electric vehicles at all times.</p>

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	<p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
15.	<p><b>Access Closure with reinstatement</b></p> <p>The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has been brought into use. The footway 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 (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
16.	<p><b>Surfacing of access</b></p> <p>No dwelling hereby permitted shall be first occupied until the surfacing arrangements for the vehicular access to the highway has been constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be maintained in accordance with the approved details.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
17.	<p><b>Parking/turning in accordance with plans</b></p> <p>No dwelling shall be first occupied until the vehicle parking and turning spaces 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 and manoeuvring (of private motor cars) 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 2019, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

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18.	<p><b>Cycle storage</b></p> <p>No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
19.	<p><b>Visibility splays before development</b></p> <p>No dwelling shall be first occupied until visibility splays of 2.4 metres x 43.0 metres have been provided in both directions at the new access onto Newbury Street in accordance with the approved plans. Thereafter, the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.</p> <p>Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
20.	<p><b>Refuse Storage</b></p> <p>No dwelling shall be occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) has been provided for that dwelling in accordance with details, including any means of enclosure, which have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).</p>
21.	<p><b>HMO restriction</b></p> <p>Notwithstanding the provisions 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), the dwellings hereby permitted shall only be used as a single dwellinghouse (Use Class C3), and for no other purpose (including any other purpose in Class C4 (House of Multiple Occupation) on the Schedule to the Town and Country</p>



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	<p>Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that order with or without modification).</p> <p>Reason: There would be insufficient parking to use any of the dwellings as a house of multiple occupation under Use Class C4 without detriment to highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Quality Design SPD (June 2006).</p>
22.	<p><b>Permitted development restriction (windows/dormers)</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/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed at second floor level on the rear (north-west) and side (south-west) elevations of the dwellings 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 adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring 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>

*(The meeting commenced at 6.30 pm and closed at 10.10 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, 24 NOVEMBER 2021

**Councillors Present:** Jeff Beck (Substitute) (In place of Jeff Cant) and Andy Moore (Substitute) (In place of Phil Barnett)

**Also Present:**

**Apologies for inability to attend the meeting:** Councillor Phil Barnett and Councillor Jeff Cant

**Councillor(s) Absent:**

#### PART I

#### 26. Minutes

The Minutes of the meeting held on 13 October 2021 were approved as a true and correct record and signed by the Chairman.

#### 27. Declarations of Interest

Councillors Jeff Beck, Hilary Cole, Andy Moore, Tony Vickers and Howard Woollaston declared an interest in Agenda Items 4(1) and 4(2), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

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

#### 28. Schedule of Planning Applications

##### (1) **Application No. and Parish: 20/01530/OUT, Newbury Football Club, Newbury Football Club, Faraday Road, Newbury**

*(Councillors Jeff Beck, Andy Moore and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council, which supported the retention of football facilities at Faraday Road. 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 Howard Woollaston declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was the Executive Portfolio Holder for Internal Governance, Leisure and Culture. However, he noted that the London Road Industrial Estate Redevelopment Site was within the remit of the Executive Portfolio Holder for Finance and Economic Development. 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 Hilary Cole and Howard Woollaston declared a personal interest in Agenda Item 4(1) by virtue of the fact that they sat on the London Road Industrial Estate Working*

## **WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES**

*Party. 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 Tony Vickers declared that he had been lobbied on Agenda Item 4(1).)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 30/01530/OUT in respect of Newbury Football Club, Newbury Football Club, Faraday Road, Newbury.
2. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the proposal was to replace existing activities, with most events occurring in the off-peak. Therefore, few concerns around traffic had been raised, and it was acceptable in highways terms.
4. In accordance with the Council's Constitution, Mr Vaughan Miller, Newbury Town Council, Mr Paul Morgan and Mr John Stewart, applicants, addressed the Committee on this application.

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

5. Mr Vaughan Miller, Newbury Town Council, in addressing the Committee raised the following points:
  - Newbury Town Council supported the application, and it was also supported by the Football Association, Sport England, the Football Foundation, and the Newbury Society. The Town Council's Strategy sought set the aim that a first class football ground and stadium would enable and facilitate football teams that could play at National League level for men, and a Southern Premier League level for women, as well as youth teams.
  - The aspiration of the Town Council is for the grounds to be within a walking distance of the town centre, providing an increased footfall within the town through visiting fans.
  - Inability to provide a suitable alternative site should result in the ground on Faraday Road being redeveloped with 3G pitches, allowing for higher availability for the community.
  - The application was scalable, allowing redevelopment and upgrading in accordance with the team's success from Step 4 up to Step 2 and possibly Step 1 National League Southern Premier, reflecting the aspirations of the football clubs.
  - It was a financially sustainable proposal, with no ongoing subsidy required and would seek to generate a profit. Sport England considered this to be a planning consideration. The site was a Council owned asset funded by tax-payers' money, so this was a crucial aspect.
  - It would have a proper clubhouse and bar. Hungerford Town played in Step 2 and the team cost £2,500 - £3,500 to maintain per week. They generated income from gate receipts and also from the bar.

## **WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES**

- The proposal would provide a pathway from youth to senior football, with first class facilities encouraging retention of youths within the game.
- The previous clubhouse was well-used by the community, but the new facility would be better than before and could be used for a wide range of social events.
- The facility was also environmentally sustainable, being a short walk from public transport hubs and accessible by active travel modes. There were also extensive parking facilities nearby that could be used when needed.
- West Berkshire Council would retain control of the asset, and get a return on investment.
- Due to existing facilities, the new facility could be built within six months to a year.
- The application respects the value of both the pitch and clubhouse as an Asset of Community Value. The majority of local people wished the pitch to remain at Faraday Road – 2,000 people expressed their support and there was strong support expressed in response to the Newbury Weekly News survey. If the Council were to undertake public consultations they would probably get a clear steer to progress this proposal.

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

6. Members did not have any questions of clarification.

### **Applicant Representation**

7. Mr Paul Morgan and Mr John Stewart in addressing the Committee raised the following points:
  - The land had been owned by the Council since 1963, and it was believed that the Council should use the facilities for the benefit of the local community, as the proposal did.
  - The clubhouse had been used for many years as a cost-effective venue for community events such as parties and weddings, and had a long history of hosting charity events. This not only added to the community value, but allowed the facility to financially sustain itself.
  - The grounds were well-located and provides sustainable and public transport with easy access to the town centre. Car parking was already existing on the site.
  - The footprint of the clubhouse would be similar to the existing building, but will have a second story which will provide a more efficient use of land and provide an improved internal layout. Changing rooms, toilets, offices, and a conference room would be situated on the ground floor, with a bar, café and viewing area on the first floor.
  - The proposal fitted into the existing planning strategy, such as Area Delivery Planning Policy 2 and CS18. On CS18, the green infrastructure would be protected or enhanced.
  - The proposal would vastly improve the quality of the facility and a better environment for those who work and play in the area.
  - On the location of the development in Flood Zone 3, the proposal was a water-compatible development, and presented no threat to biodiversity.

## **WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES**

- The sustainable business model of the development involved provision of a first-class pitch for senior men's and women's football teams, and would fulfil the Playing Pitch Strategy's reported shortage of 3G pitches, which would be run by a not-for-profit community group which would use proceeds from the pitch and clubhouse towards maintenance. By the fifth year, a surplus of over £20,000 was expected.
- 75% of the funding would come from external sources, and West Berkshire Council would continue to receive rent. There would be no financial liability on West Berkshire Council's part, and they would retain the land.

### **Member Questions to the Applicants**

8. Councillor Adrian Abbs asked for more information on how a 3G pitch would help the biodiversity in the area. Mr Morgan responded that the pitch acted similar to natural grass and would benefit in that way.
9. Councillor Andy Moore asked what the size of the stand was and how it would be scalable. Mr Morgan responded that it would have 250 seats, and would be scalable as the previous stand held 500 seats. Proposals to expand would come as the team progressed through the football league pyramid.
10. Councillor Clive Hooker asked if the proposal would encroach on the existing parking spaces. Mr Morgan responded that there were four areas for public parking that were sufficient for how they were being used, and would be unlikely to cause any issue. Councillor Hooker asked if any would be lost, to which Mr Morgan responded that there would not be any loss.

### **Ward Member Representation**

11. Councillor Jeff Beck in addressing the Committee raised the following points:
  - Councillor Beck concurred with the points raised by the Town Council and applicants and did not have any further points to add.

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

12. Members did not have any questions of clarification.

### **Member Questions to Officers**

13. Councillor Hooker asked for further clarification from Mr Goddard over whether there would be any loss of parking spaces. Mr Goddard confirmed that there was no proposed loss of parking spaces from the main car parking area or the red area within the planning application.
14. Councillor Adrian Abbs asked how the new facility would be powered. Mr Masiwa responded that the application was not at the stage at which BREEAM and the access to power was being assessed. Councillor Abbs asked whether BREEAM can be currently discussed, to which Mr Masiwa responded that BREEAM Excellent was required and formed a condition of the application.

### **Debate**

## WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES

15. Councillor Abbs opened the debate by stating that he was happy to agree with officer recommendations, and there were no planning terms with which to disagree. He indicated his wish to propose to accept officer recommendation.
16. Councillor Beck concurred with Councillor Abbs and indicated his wish to second.
17. Councillor Howard Woollaston expressed his dissatisfaction with the application coming to committee, as it was an uncontroversial application on Council land, and he saw no planning reasons to refuse.
18. Councillor Tony Vickers noted that the landowner is the elected District Council, whose intentions may change. He considered it arrogant therefore not to discuss those intentions and consider the application.
19. Councillor Adrian Abbs 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 Beck.
20. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Beck 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	<p><b>Approval of reserved matters</b></p> <p>Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To comply with Section 92 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>Time limit for reserved matters</b></p> <p>Application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
3	<p><b>Commencement of development (Outline)</b></p> <p>The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
4	<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>

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	<ul style="list-style-type: none"> <li>• Parking Survey received on 06 July 2020</li> <li>• Design and access statement received on 06 July 2020</li> <li>• Preliminary Ecological Appraisal received on 06 July 2020</li> <li>• Amended proposed block plan received on 27 September 2020</li> <li>• NCFG response to Sport England received on 11 December 2020</li> <li>• NCFG Indicative Business Plan received on 11 January 2021</li> <li>• Flood Risk Assessment received on 13 August 2021</li> <li>• Applicant's email response to Environment Agency received on 13 September 2021</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
5	<p><b>External Materials</b></p> <p>Prior to above foundation level works commencing, details of the materials for the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement</p>
6	<p><b>Means of Enclosure</b></p> <p>Notwithstanding the provisions of the plans hereby approved, the development hereby permitted shall not be first used until full details have been submitted to and approved in writing in respect of means of enclosure or boundary treatments on site, to include a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected within the site. The boundary treatments shall be completed in accordance with the approved scheme before the development hereby permitted is first occupied. The boundary treatment shall thereafter be retained in accordance with the approved details.</p> <p>Reason In the interest of visual amenity and to ensure the satisfactory appearance of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p>
7	<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 plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and 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>



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8	<p><b>Cycle parking</b></p> <p>The use shall not commence until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, 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>
9	<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 the ecological appraisal should be updated. This is because the ecology of the site is likely to change over time. 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>
10	<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 Preliminary Ecological Appraisal by CGO Ecology Ltd dated June 2020 received on 06 July 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 Preliminary Ecological Appraisal by CGO Ecology Ltd dated June 2020 received on 06 July 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</p>

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	<p>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>
11	<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>
12	<p><b>Gas protection measures</b></p> <p>Unless a landfill gas risk assessment is undertaken which indicates there is no risk, the proposed development shall be built with Characteristic Gas Situation 2 gas protection measures in accordance with BS 8485:2015 +A1:2019</p> <p>'Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings'. Following installation of the measures, a verification report shall be submitted to the Local Planning Authority prior to occupation of the site.</p> <p>Reason: To protect future occupiers of the site from the risks associated with the migration of toxic and flammable gasses. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire</p>

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	Core Strategy (2006-2026), and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
13	<p><b>Clubhouse and spectator stand design and layout</b></p> <p>No development shall commence until details of the design and layout of club house and spectator stand have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The clubhouse and spectator stand shall not be constructed other than in accordance with the approved details.</p> <p>Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), the Newbury Town Design Statement and the West Berkshire Council Playing Pitch Strategy (2020).</p>
14	<p><b>Drainage measures</b></p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref August 2021/3366 v.1/Brighton Consulting Engineers Limited and email '20/01966/COMIND and 20/01530/OUT: Newbury Football Club' dated 13/09/2021) and the following mitigation measures it details:</p> <ol style="list-style-type: none"> <li>1. There will be a reduction in the floor area of the clubhouse from 450sqm to 300sqm.</li> <li>2. The spectator stand will be designed to be floodable/open to flood water.</li> <li>3. The finished ground floor level (FFL) will be set at least 600mm above the 1 in 100-year flood level (76.65mAOD). The underside of the floor slab will be placed 300mm above flood level and built on stilts to avoid flood storage displacement</li> </ol> <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 CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
15	<p><b>Programme of archaeological work</b></p> <p>No 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. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
16	<b>Landscaping</b>

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	<p>The development shall not be occupied until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of trees and plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment.</p> <p>The scheme shall ensure;</p> <p>a) Completion of the approved landscape scheme within the first planting season following completion of development.</p> <p>b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
17	<p><b>Landscape Management Plan</b></p> <p>No development or other operations shall commence on site until a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping, proposed wildlife areas, new tree planting and any areas of proposed landscaping other than areas</p> <p>Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
18	<p><b>Arboricultural Programme of Works</b></p> <p>No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority.</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 NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
19	<p><b>Tree protection scheme</b></p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. 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</p>

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	<p>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 NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
20	<p><b>Arboricultural Method Statement</b></p> <p>No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
21	<p><b>External lighting</b></p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>(a) Identify those areas on the site that are particularly sensitive for bats and 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.</li> <li>(c) Include and isolux diagram of the proposed lighting.</li> <li>(d) 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: Firstly, to ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>

### Informatives

1.	<p><b>Approach of the LPA</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</p>
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	worked proactively with the applicant to secure and accept what is considered a development, which improves the economic, social and environmental conditions of the area.
2.	<p><b>CIL</b></p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from the Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3	<p><b>Ground grading requirements</b></p> <p>The applicants' attention is drawn to league requirements for ground grading and the associated requirements for internal spaces to play in a particular league.</p>

### (2) **Application No. and Parish: 20/01966/COMIND, Newbury Football Club, Newbury Football Club, Faraday Road, Newbury**

*(Councillor(s) Tony Vickers declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Newbury Town Council, which supported the retention of football facilities at Faraday Road. 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 Howard Woollaston declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was the Executive Portfolio Holder for Internal Governance, Leisure and Culture. However, he noted that the London Road Industrial Estate Redevelopment Site was within the remit of the Executive Portfolio Holder for Finance and Economic Development. 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 Hilary Cole and Howard Woollaston declared a personal interest in Agenda Item 4(2) by virtue of the fact that they sat on the London Road Industrial Estate Working Party. 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(s) Tony Vickers declared that he had been lobbied on Agenda Item 4(2).)*

21. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/01966/COMIND in respect of Newbury Football Club, Newbury Football Club, Faraday Road, Newbury.
22. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission, \*subject to the conditions outlined in the main and update reports.
23. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted the different red line areas, with this application containing an area which covers the

## **WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES**

entire development and does involve loss of car parking spaces. However, Highways are raising no objections to the application, believing there to be a plentiful supply of parking spaces.

24. In accordance with the Council's Constitution, Mr Vaughan Miller, Newbury Town Council, Mr Paul Morgan and Mr John Stewart, applicants, addressed the Committee on this application.

### **Town Council Representation**

25. Mr Vaughan Miller, Newbury Town Council, in addressing the Committee raised the following points:

- Mr Miller restated his points from the previous application: its support from key national governing bodies, local organisations and the public, its scalability to Step 1, its pathway from youth to senior football, its sustainability as an asset and the sustainability of our senior clubs, support of active travel and climate objectives, its quick and cost effective build, WBC's retention of the asset, and its respect of the asset as an Asset of Community Value.

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

26. Members did not have any questions of clarification.

### **Applicant Representation**

27. Mr Paul Morgan and Mr John Stewart in addressing the Committee raised the following points:

- Football has always occurred on Faraday Road, and has not been able to occur since 2018 when the application was first proposed.
- The application supports the general development ambition on the London Road Industrial Estate, by making the grounds better than they were.
- The application is popular with the public, with a petition receiving 2,000 signatures. A planning consultation received a turnout of 100, and no public objections to the application are currently known.
- The grounds are an Asset of Community Value, a status which has just been renewed until 2026.
- A confirmation certificate of lawful use of the land as a football ground has been received, under Class F2 of the Use Classes Order Amendment 2020.
- In response to points made about the car park, previously it was not generally accessible and used.
- The development supports the Playing Pitch Strategy, Leisure Strategy, the FA's Local Football Facility Plan, and the local community campaigns. The pitch is of a larger size than it needs to be, and passes the FA's National Ground Grading.
- The application is futureproof and sustainable, and can accommodate football's growth within Newbury, with scale for Step 2 or Step 1 levels of football.

### **Member Questions to the Applicants**

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28. Councillor Adrian Abbs asked how the change in the fencing has affected the application. Mr Stewart responded that the fencing would likely need to be replaced in any case, but it has been recently removed.
29. Councillor Tony Vickers asked why the red line extends so far to the west, noting that the pitch does not reportedly have a draining issue. Councillor Vickers asked if the west area was an area in which biodiversity could possibly be improved. Mr Stewart responded that he thought it was as part of the proposal.
30. Councillor Andy Moore asked how important the training pitch area is for the aspirations of the proposed club. Mr Stewart responded that it would allow substitutes to prepare for play, and training facilities for two teams at the same time.

### **Ward Member Representation**

31. Councillor Jeff Beck in addressing the Committee raised the following points:
  - Councillor Beck concurred with the points raised by the Town Council and applicants and did not have any further points to add.

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

32. Members did not have any questions of clarification.

### **Member Questions to Officers**

33. Councillor Tony Vickers asked how artificial sports pitches replacing grass could cause issues with biodiversity. Mr Masiwa responded that the consultation responses from biodiversity experts and the Environment Agency that 3G pitches do cause microplastic pollution, and as such, the Council has been advised to request measures to prevent microplastics from entering rivers be implemented. However, microplastics are not fully understood and are an ongoing subject of research.
34. Councillor Moore asked why there was no objection from Property Services as there was on the previous application. Mr Masiwa responded that the objection was solely for the clubhouse, not the playing pitch.

### **Debate**

35. Councillor Howard Woollaston opened the debate by stating that there was no grounds to oppose the application, proposing that the officer recommendation be accepted.
36. Councillor Abbs expressed his concerns with ensuring that biodiversity is protected, and asked that officers take note of them. He expressed his intention to second.
37. Councillor Howard Woollaston 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 Adrian Abbs.
38. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Abbs 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.



## WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES

### 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>• Proposed block plan received on 25 August 2020</li> <li>• Parking Survey received on 25 August 2020</li> <li>• Preliminary Ecology Survey received on 25 August 2020</li> <li>• Amended Design and access statement received on 27 September 2020</li> <li>• NCFG response to Sport England received on 11 December 2020</li> <li>• NCFG Indicative Business Plan received on 11 January 2021</li> <li>• Flood Risk Assessment received on 13 August 2021</li> <li>• Applicant email response to Environment Agency received on 20 October 2021</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>External Materials</b></p> <p>Prior to above foundation level works commencing, details of all the materials for the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p>
4	<p><b>Means of Enclosure</b></p> <p>Notwithstanding the provisions of the plans hereby approved, the development hereby permitted shall not be first used until full details have been submitted to and approved in writing in respect of means of enclosure or boundary treatments on the site, to include a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected within the site. The boundary treatments shall be completed in accordance with the approved scheme before the development hereby permitted is first used. The boundary treatment shall thereafter be retained in accordance with the approved details.</p> <p>Reason In the interest of visual amenity and to ensure the satisfactory appearance of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p>
5	<p><b>Parking and turning in accordance with plans</b></p>

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	<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 plan(s). The parking and turning space shall thereafter be kept available for parking (of private motor cars and 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>
6	<p><b>Cycle parking</b></p> <p>The use shall not commence until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, 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>
7	<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 the ecological appraisal should be updated. This is because the ecology of the site is likely to change over time. 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>
8	<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 Preliminary Ecological Appraisal by CGO Ecology Ltd dated June 2020 received on 06 July 2020 and the approved SuDS and Landscaping documents and plans. Such a Plan shall include:</p> <ul style="list-style-type: none"> <li>f) 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>g) Provision of features for protected and priority fauna as outlined within the Preliminary Ecological Appraisal by CGO Ecology Ltd dated June 2020 received on 06 July 2020 and deliver the recommendations of this Assessment to ensure the appropriate protection and conservation of protected habitats and species.</li> <li>h) Include (but not necessarily be limited to) details of management,</li> </ul>

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	<p>maintenance and long-term protection of the hard and soft landscaping, and ecological mitigation area.</p> <ul style="list-style-type: none"> <li>i) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure and boundary treatments and species and habitat enhancements and protections.</li> <li>j) 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>
9	<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>
10	<p><b>3G Artificial Grass Pitch design and layout</b></p>

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	<p>No development shall commence until details of the design and layout of 3G Artificial Grass Pitch have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The 3G Artificial Grass Pitch shall not be constructed other than in accordance with the approved details.</p> <p>Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), the Newbury Town Design Statement and the West Berkshire Council Playing Pitch Strategy (2020).</p>
11	<p><b>Community use agreement</b></p> <p>Within 3 months of work commencing on site, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the stadium site and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.</p> <p>Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), the Newbury Town Design Statement and the West Berkshire Council Playing Pitch Strategy (2020).</p>
12	<p><b>Management and Maintenance Scheme</b></p> <p>Before the 3G Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This should measures to ensure the replacement of the Artificial Grass Pitch within the manufacturer's specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.</p> <p>Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), the Newbury Town Design Statement and the West Berkshire Council Playing Pitch Strategy (2020).</p>
13	<p><b>Micro plastics and nature conservation measures</b></p> <p>Before the 3G, Artificial Grass Pitch is brought into use, a Management and Mitigation Plan for the prevention of the release of plastics and in particular micro-plastics into the environment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p>

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	<p>a) Details of the substrate type to be used on the pitches</p> <p>The measures set out in the approved plan shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.</p> <p>Reason: To ensure that the release of plastics and in particular micro-plastics into the environment is mitigated to safeguard the River Kennet Site of Special Scientific Interest (SSSI), which is a chalk river of national importance with a significant nature conservation value. 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>
14	<p><b>Flood Risk</b></p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref 12/08/2021/3366/ by Brighton Consulting Engineers Limited and email from the applicant dated 20/10/2021) and the following mitigation measures it details:</p> <p>a) There shall be no raising of existing ground levels on the site.</p> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. 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>
15	<p><b>River buffer zone</b></p> <p>No development shall take place until a scheme for the provision and management of a minimum 10-metre wide buffer zone alongside the River Kennet Site of Special Scientific Interest (SSSI) has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting and formal landscaping. The scheme shall include:</p> <ol style="list-style-type: none"> <li>1) Plans showing the extent and layout of the buffer zone including the distances between the development and the bank top of the river.</li> <li>2) Details demonstrating how the buffer zone and river will be protected during development from damage, disturbance and contamination/pollution. This should be in the form of a Construction Environment Management Plan (CEMP) and should include such measures as: <ul style="list-style-type: none"> <li>• Temporary fencing to prevent any vehicle movements or storage within the buffer zone.</li> <li>• Pollution prevention measures, particularly from surface water run-off.</li> <li>• An environmental risk assessment.</li> </ul> </li> </ol>

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	<p>3) Details of any proposed footpaths, fencing, lighting, etc. Please note that there should be no light spill into the river corridor as this could affect the behaviour of nocturnal animals such as bats. To reduce light spill into the river corridor from outside the buffer zone, all artificial lighting should be directional and focused with cowlings. For more information see the Institution of Lighting Professionals guidance:</p> <p><a href="https://www.theilp.org.uk/documents/obtrusive-light/">https://www.theilp.org.uk/documents/obtrusive-light/</a>  <a href="https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/">https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/</a></p> <p>4) Details of ecological enhancements to the buffer zone including any proposed planting. This could include the removal of any non-native plant species and sympathetic tree works of native trees to allow more light into the channel and hence encourage more in-channel vegetation. It could also include additional planting of native species only. This could include native shrubs typical of the area such as grey willow, goat willow, alder, oak and aspen.</p> <p>5) Details of how the buffer zone vegetation will be managed over the longer term including adequate financial provision and named body responsible for management. If a Landscape Management Plan is required for the site, the management of the buffer zone could be incorporated into the management plan.</p> <p>Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential that it is protected. For this development, it is particularly important to protect and enhance the river corridor of the River Kennet SSSI. 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>
16	<p><b>Drainage measures</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 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>
17	<p><b>Contamination</b></p> <p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <p>1. A preliminary risk assessment which has identified:</p>

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	<ul style="list-style-type: none"> <li>• all previous uses</li> <li>• potential contaminants associated with those uses</li> <li>• a conceptual model of the site indicating sources, pathways and receptors</li> <li>• potentially unacceptable risks arising from contamination at the site</li> </ul> <p>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reasons: 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. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
18	<p><b>Programme of archaeological work</b></p> <p>No 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. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
19	<p><b>Scheme of Landscaping</b></p> <p>The development shall not be occupied until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of trees and plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment.</p> <p>The scheme shall ensure;</p> <p>a) Completion of the approved landscape scheme within the first planting season following completion of development.</p> <p>b) Any trees shrubs or plants that die or become seriously damaged within five years</p>

## WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES

	<p>of this development shall be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
20	<p><b>Landscape Management Plan</b></p> <p>No development or other operations shall commence on site until a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping, proposed wildlife areas, new tree planting and any areas of proposed landscaping other than areas</p> <p>Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
21	<p><b>Arboricultural Programme of Works</b></p> <p>No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority.</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 NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
22	<p><b>Tree protection scheme</b></p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. 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 NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
23	<p><b>Arboricultural Method Statement</b></p> <p>No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local</p>



## WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES

	<p>Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
24	<p><b>External lighting</b></p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>(e) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</li> <li>(f) 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.</li> <li>(g) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not have an adverse impact on neighbouring amenity</li> <li>(h) Include and isolux diagram of the proposed lighting.</li> <li>(i) 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. To ensure the protection of neighbouring residential amenity. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026)</p>

### Informatives

1.	<p><b>Approach of the LPA</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 worked proactively with the applicant to secure and accept what is considered a development, which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>3G Artificial Grass Pitch design</b></p> <p>The applicant is advised that the design and layout of the 3G Artificial Grass Pitch should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, Football Foundation.</p>

## WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES

3	<p><b>FIFA Quality Concept for Football Turf</b></p> <p>(artificial grass pitches for Steps 1 to 6 of the FA's National League System)</p> <p>– The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.</p>
4	<p><b>Environmental permit</b></p> <p>The Environmental Permitting (England &amp; Wales) Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.</p> <p><b>Environmental permit - advice to applicant</b></p> <p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> <li>• on or within 8 metres of a main river (16 metres if tidal)</li> <li>• on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)</li> <li>• on or within 16 metres of a sea defence</li> <li>• involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert</li> <li>• in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission</li> </ul> <p>For further guidance please visit <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing <a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a>.</p> <p>The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.</p>

**(3) Application No. and Parish: 20/02062/COMIND, St Gabriels Farm, The Ridge, Cold Ash, Thatcham**

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

39. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/02062/COMIND in respect of St Gabriels Farm, The Ridge, Cold Ash, Thatcham.
40. Mrs Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory in planning terms and officers recommended that the Head of Planning and

## **WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES**

Development be authorised to refuse planning permission, for the reasons listed in the main and update reports.

41. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that Highways has no objection to the proposed layout.
42. In accordance with the Council's Constitution, Mr Bernard Clark, Cold Ash Parish Council, Mr James Iles, agent, addressed the Committee on this application.

### **Parish Council Representation**

43. Mr Bernard Clark, Cold Ash Parish Council, in addressing the Committee raised the following points:
  - Mr Clark agreed with the points raised by Mrs Cutts.
  - Mr Clark underlined the importance of the site, noting that it was highly significant to members of the local community.
  - Mr Clark stated that the local community considered the expansion of residential curtilage as a Trojan horse towards further development, and that it would seriously undermine the NDP.

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

44. Members did not have any questions of clarification.

### **Agent Representation**

45. Mr James Iles in addressing the Committee raised the following points:
  - Mr Iles represented the planning agent, who appealed to the Planning Inspector over the refusal of the Class Q Prior Approval application, and the non-determination of the linked full application. Mr Iles noted that the officer recommendation for the initial applications were to approve, but was refused by the decision of the Committee. The decision on the full application was subsequently deferred. The Committee is being asked to instruct the Planning Inspector on the decision that would have been taken were it considered.
  - The application related to limited works to enhance the Class Q Residential Scheme, including extending the residential curtilages, improved landscaping and parking arrangements, and as well as demolishing the barn and slurry pits.
  - The application will improve biodiversity with the creation of a meadow and ponds, and visual improvements to the site by the removal by the redundant barn and paddock.
  - The purpose of the parallel application is a number of tangible benefits to improve the Class Q Residential Scheme, with no technical objections raised by any statutory consultees, and no adverse impacts on the Area of Outstanding Natural Beauty, flood risks, or highways concerns.
  - The officer's report recommends that the application should be refused due to the fate of the linked application. However, the original recommendation was to approve.

## **WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES**

- Mr Iles requested that the members acknowledge that the application is refused due to the link with the application, with no other grounds for refusal.

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

46. Members did not have any questions of clarification.

### **Ward Member Representation**

47. Councillor Hilary Cole in addressing the Committee raised the following points:

- Councillor Cole stated that as the previous application for development had been refused, there was no need for the subsequent application to be approved.

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

48. Members did not have any questions of clarification.

### **Member Questions to Officers**

49. Councillor Adrian Abbs asked for clarification that this was the second application, which the Committee opted not to consider due to prior refusal. Mrs Cutts clarified that it was.
50. Councillor Hilary Cole asked whether weight could be given to the Cold Ash Neighbourhood Development Plan. Mr Till responded that it would be given due weight in considerations of planning applications.

### **Debate**

51. Councillor Tony Vickers opened the debate by thanking Mrs Cutts and the applicant for making clear that the Committee has no other logical option but to accept the officer recommendation. Councillor Tony Vickers noted that the prior application was refused as it was not suitable, and would set a precedent for further development. He expressed a willingness to propose.
52. Councillor Abbs noted that it had been clarified that he has no logical option but to accept officer recommendation, and that he did not see a need to add the language suggested by Mr Iles. He expressed an intention to second.
53. Councillor Tony Vickers proposed to accept Officer's recommendation and refuse planning permission for the reasons listed in the main report and update report. This was seconded by Councillor Adrian Abbs.
54. Mr Till noted that the resolution is not a determination of the planning application, as it has now been appealed, but it would be passed to the Planning Inspector as advice on what the Committee's determination would have been were it in a position to determine.
55. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Abbs to refuse planning permission. At the vote the motion was carried.

**RESOLVED** that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

## WESTERN AREA PLANNING COMMITTEE - 24 NOVEMBER 2021 - MINUTES

### Reasons

1.	<p><b>Impact on the Character and Appearance of the Area</b></p> <p>The application is proposing the provision of residential amenity space and parking and turning areas on a site where there is no authorised residential use. This is contrary to policies C1 and C8 of the Housing Site Allocations DPD (2006-2026), which set out the limited exceptions for residential development in the open countryside, and the permitted circumstances for extended residential curtilages. The proposed use of the land for residential purposes and parking will result in residential curtilages and parking area and turning heads which are unconnected to the use of the agricultural buildings, and would have an adverse suburbanising impact on the setting and appearance of the agricultural buildings within the wider countryside setting and would be contrary to policies CS14, CS19, of the Core Strategy (2006-2026) and policies C1 and C8 of the Housing Site Allocations DPD (2006-2026).</p>
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*(The meeting commenced at 6.30 pm and closed at 8.30 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, 15 DECEMBER 2021

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

**Also Present:** Kim Maher (Solicitor), Masie Masiwa (Senior Planning Officer), Lydia Mather (Senior Planning Officer) and Simon Till (Principal Planning Officer (Team Leader))

**Apologies for inability to attend the meeting:** Councillor Jeff Cant and Councillor Howard Woollaston

#### PART I

#### 29. Minutes

The Minutes of the meeting held on 13 October 2021 were approved as a true and correct record and signed by the Chairman.

#### 30. Declarations of Interest

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

Councillors Dennis Benneyworth, James Cole and Claire Rowles declared an interest in Agenda Item 4(2), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### 31. Schedule of Planning Applications

##### (1) **Application No. and Parish: 21/02173/COMIND, Newbury Rugby Football Club, Monks Lane, Newbury and Greenham**

*(Councillor Clive Hooker declared a personal interest in Agenda Item 4(1). 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 Lynne Doherty declared a personal interest in Agenda Item 4(1) by virtue of the fact that as Leader of the Council she had been party to conversations on the proposed development, including some with Sport England, but she had never been the Executive Portfolio Holder for the project. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

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*(Councillor Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Newbury Town Council, which had a well-known position on the proposed development. As his 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 Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was Chairman of Greenham Parish Council's Planning and Highways Committee, which had previously considered the proposal. He was also a Ward Member for 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.)*

*(Councillor Phil Barnett declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a patient Falkland Surgery and a member of its Patient Participation Group. Also, he was a Member of the Planning and Highways Committees for Greenham Parish Council and Newbury Town Council, which had previously considered the proposal. 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 Adrian Abbs, Dennis Benneyworth, Carolyne Culver, Lynne Doherty, Claire Rowles and Tony Vickers declared that they had been lobbied on Agenda Item 4(1).)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/02173/COMIND in respect of Newbury Rugby Football Club, Monks Lane, Newbury.
2. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that Highways Officers had no objections, and were satisfied with the proposed layout of the application. However, further work was required on pedestrian routes to the building, which could be provided in line with Condition 8. There were no concerns around traffic generation, due to its primary use during weekends. There were 51 car parking spaces in the application, and 280 just south of the development at the Rugby Club. Mr Goddard noted that the rugby club was more successful 10-15 years previously, attracting between 3,000 and 5,000 spectators during games, and the current number was expected to be a tenth of that, with the football club likely to attract 30-50. There were no present concerns, but Mr Goddard noted that these numbers would change if the football club were to be promoted: with the grounds capable of upgrading to Step 4. Therefore, Condition 9 would prevent concurrent rugby and football matches. Condition 10 stated that if the football club was promoted, there must be car parking beat surveys on specified streets. If issues were highlighted by the surveys then consultation on additional waiting restrictions (paid for by the applicant) would take place with residents. The Council would implement any supported restrictions, using funding received. Initial waiting restrictions were being sought to encourage spectators to use the College parking. Additional measures included a travel plan with a shuttle bus to take people from the College parking to the ground. A review would be undertaken after five years, which would take account of the club being promoted / demoted and to take account of changes in traffic and parking.



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4. In accordance with the Council's Constitution, Mr Vaughan Miller, Newbury Town Council, Mr Tim Polack, Mr Alan Pearce, Mr Lee McDougall, Mr Paul Morgan and Mr Peter Lambert, objectors, and Mr James Smith, agent, addressed the Committee on this application.

### **Town Council Representation**

5. Mr Vaughan Miller, Newbury Town Council, in addressing the Committee raised the following points:
  - Newbury Town Council was registering an objection due to existing concerns over noise and light pollution.
  - Trees would be impacted by the development, with the trees and shrubbery bordering Monks Lane to the north of the pitch being protected green space. Plans show that the fencing would go right to the edge of the space, and damage would be caused during the build phase.
  - The amount of parking available was considered inadequate, and claims that senior rugby and football matches could be held on alternate weekends were unlikely to translate to reality, due to events such as cup weekends. In addition, second teams would have fixtures on these alternate weekends, and training and junior teams would require time to use the pitches. A large number of cars could attempt to leave the car park simultaneously, which would cause Monks Lane to back up.
  - There were concerns over the size and scalability of the development. While plans were for grounds at Step 4, this would no longer be the case. Unlike Faraday Road, the ground at Monks Lane would not be scalable from Step 4 to Step 1.
  - The development was not near enough to the town centre to meet requirements, and so would fail to encourage active travel and use of public transport. In addition, local businesses were unlikely to benefit from the increased footfall.
  - The FA and Football Foundation remained as objectors to the development, and the RFU had a holding objection. It was unusual for Sport England to be out of line with other key national governing bodies on the development, and they were subject to a complaint for being manipulated into a joint political statement, which remained on the application.
  - The development lacked sustainability – it was expected to sustain losses of £200,000 a year, which would need to be underwritten by the Council. This was primarily due to the cost of the lease, lack of a clubhouse, and its status as a shared facility, with the rugby club not contributing any of the costs. The Playing Pitch Strategy stated that the ground would be wholly owned by the Council.
  - The development was seen by the Council administration as a replacement for development of the Faraday Road site. The Portfolio Holder had stated that funds would not be allocated if it was not a replacement. Newbury Town Council requested a pause to consider the new position, with the two proposals considered concurrently.

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

6. Councillor Adrian Abbs asked how a £200,000 annual loss was calculated. Mr Miller responded that the business case stated a £90,000 shortage, which was revised

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upwards by Sport England to £150,000, and revised further due to a £60,000 additional cost.

7. Councillor Abbs asked for clarification on concurrent matches. Mr Miller responded that there was a second rugby team, ambitions for a second and under-23 football team, and it was believed that these could play concurrently to the senior teams.
8. Councillor Carolyn Culver asked if there were any women's team. Mr Miller responded that there was, and that they played on Sundays.
9. Councillor Culver asked what the differences were in the expected spectator numbers between team development steps. Mr Miller deferred to objector Mr McDougall.
10. Councillor Phil Barnett asked for elaboration on insufficient parking claims. Mr Miller responded that there would be regular issues with parking, which would fill the road. Mr Miller added that similar issues occurred at other sporting venues.
11. Councillor James Cole asked whether it was the Town Council's opinion that green land north of the grounds would be damaged by building work, and whether Mr Miller would be satisfied by a condition requiring that this be properly fenced off. Mr Miller responded that on that point, he would be satisfied.

### **Objector Representation**

12. Mr Peter Lambert in addressing the Committee raised the following points:

- The objectors represented local residents in the area around the Monks Lane grounds.
- Despite clear requests for answers, the objectors remained uncertain as to whether the development was a replacement for the Faraday Road development or not. As a replacement, the development would be too small, too cramped, and not fit for its intended purpose. As a standalone application, it would be unnecessary and fundamentally flawed.
- While the objectors were grateful for the rugby and football teams' plans to play on alternate weekends, they requested that a condition be put into place to that effect.
- While 30 car parking spaces were offered by the rugby club, the objectors requested that they be made available on the weekends that the football team were playing, and that a condition be put into place to that effect.
- Additionally, the objectors requested that additional spaces be made available in the main car park for the use of football teams on weekday evenings when both teams are undertaking training sessions.
- The objectors were grateful that provision for overflow parking of 150 spaces would be made available at Newbury College with a shuttle bus service, and requested that this be made a condition for every weekend.
- The objectors noted the recommended condition for a parking survey of surrounding streets at each future promotion of the football club. The objectors requested that any future restrictions on parking only applied on match days, and that it also applied to the rugby club.
- The floodlights had the potential to be a nuisance for local residents, and a distraction and safety issue for drivers on nearby roads. The objectors requested

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that a condition be added limiting the amount that the floodlights would shine onto Monks Lane.

13. Mr Lee McDougall in addressing the Committee raised the following points:

- Mr McDougall represented the Newbury Community Football Group.
- There was a lot of confusion, despite a year of planning, over whether the development was intended as a replacement for the Faraday Road development. The Planning Officer had stated that it was not proposed as a replacement, but it was stated at Executive that it was. The objectors requested that the application be delayed until this was clarified.
- There was also confusion as to whether the application was for a Step 4 Step 6 facility. While it was envisioned as a Step 4 ground, at the site meeting it was proposed as Step 6. The objectors had doubts over whether a Step 4 development was feasible, noting that crowds of 1,300 would need to be accommodated, which was not possible with the small proposal. It was also noted that the RFU would not allow rugby matches on the main pitch as it was too small.
- The objectors believed that the Council was rushing into agreeing to plans that it could not stop, without considering the other options.

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

14. Councillor Abbs asked why 30 parking spaces were specified when 280 were quoted in the application. Mr Lambert responded that his discussions with David Jones, President of the Newbury Rugby Football Club, confirmed that 30 parking spaces were offered.
15. Councillor Culver asked if any floodlights were currently present. Mr Lambert responded that there were, and that they shined into residents' houses.
16. Councillor Culver asked for clarification over the development steps. Mr Paul Morgan responded that a Step 4 grounds required capacity for 1,300 spectators. Faraday Road for comparison was Step 5, with scope to upgrade to Step 2.

### **Agent Representation**

17. Mr James Smith, Project Architect for Saunders Boston and agent for Alliance Leisure and West Berkshire Council, in addressing the Committee raised the following points:
  - There was a strategic need to correct the lack of grass pitches which had been identified in the Playing Pitch Strategy, and Newbury Rugby Club presented itself as a practical solution to help to correct the shortfall, and provided an opportunity for a new sports ground, that would benefit the local and wider community.
  - The proposal was for a new artificial grass pitch and spectator seating, supported by a new social space, toilets, medical room, kitchen, and four changing rooms. These supported the business case by allowing a high turnover rate, providing financial sustainability of the pitch, and for safeguarding purposes.
  - The facility had been designed to meet Step 4 FA Ground Grading Requirements and World Rugby Regulation 22 Standard. Although the initial level that would be played there needed FA Step 6, Step 4 was proposed and supported by Sport England who had consulted with both rugby and football team, and reviewed the

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business plan. Their comments had been addressed and they now had no objections.

- The proposal included 82 parking spaces: 52 at the pavilion site, and 30 at Newbury Rugby Club. Agreements were in place to prevent overlapping rugby and football matches, with parking arrangements to be reconsidered in the event of any promotion. In addition, 150 parking bays would be provided at Newbury College on match days.
- A BREEAM pre-assessment had been conducted and had been given a Very Good rating, and Excellent in Energy Performance. Other sustainability improvements includes all-electric air source heat pumps, low flow-rate showers, permeable paving to the car park, a tank below the car park, a tanking system to the artificial grass pitch, and four electric vehicle charging spaces.
- There would be a biodiversity net gain due to the inclusion of 300 metres of double-planted hedgerows, 100 trees as part of the Queens' Canopy, and a bee bank, which would be mitigated by the northern boundary of the site, as well as protection zones. Measures would be put in place to reduce micro-plastics from leaving the site to 15 kg per year, and consultation was ongoing to mitigate this.
- The acoustic and lighting report detailed that measures would be put in place to reduce the impact below the background conditions of planning and legal requirements.
- The proposal was for a simple form, single story building with a pitched roof. The design aimed to reduce the impact on the local surroundings and would provide a clear route through the site.
- 30 car parking spaces had been committed by the rugby club, but more could be provided if required. The operator would be tendered to find the best value solution and there would be a professional booking system.

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

18. Councillor Claire Rowles asked for clarification on the number of parking spaces, and if the 30 were specifically ring-fenced by the rugby club. Mr Smith responded that the 30 were ring-fenced.
19. Councillor Abbs asked how changing rooms would generate income. Mr Smith responded that there would be four, with two used by each team. Other teams could use the other two, reducing downtime between matches.
20. Councillor Abbs noted that Mr Smith had stated that the development was BREEAM Very Good, and that Policy CS15 stated that it must be BREEAM Excellent. Mr Smith confirmed that was correct.
21. Councillor Abbs asked how much biodiversity would be improved by the additional hedgerows. Mr Smith responded that there was a biodiversity metric that specified that, but he did not have it on hand.
22. Councillor Culver asked for elaboration on water run-off, noting that there was a steep bank between each pitch and that it was an AGP. Mr Smith responded that there was a tanking system underneath the AGP which would then pump the water off-site.
23. Councillor James Cole asked how microplastics were being removed from the rubber pitches. Mr Smith responded that the pitches did contain microplastics.

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24. Councillor James Cole asked about the effect of floodlighting, and whether it would be directional. Mr Smith responded that directional panels would be fitted to the floodlights to avoid light pollution.
25. Councillor Rowles asked whether the development was proposing more or less lighting than at present. Mr Smith responded that there would be new directional floodlighting on the pitch, and that the lighting on Monks Lane would remain unchanged. Mr Smith added that the light pollution of the floodlighting would be reduced from 15 lux to 2 lux.

### **Portfolio Holder Representation**

26. Councillor Howard Woollaston in addressing the Committee raised the following points:
  - Councillor Woollaston had taken over as Portfolio Holder in May 2021.
  - The current Playing Pitch Strategy recognised a shortage of eight 3G pitches, and a number of grass pitches, particularly for football. The Council's aspiration for economic and housing regeneration on the London Road Industrial Estate necessitated a replacement for the pitch on Faraday Road.
  - A report had been commissioned to find sites within a 20 minute drive of Faraday Road, but all were unworkable. Local landowners had been contacted, of which the rugby team had been responsive. The application was for a state-of-the-art sports hub featuring a world-class 3G artificial pitch with technologically advanced floodlighting, a high quality stand, and a 4,000 square foot clubhouse, with four changing rooms, a medical room, changing rooms for officials, function room, boardroom, kitchen and office.
  - The building would be BREEAM Excellent for Energy Provision, with the aim to have the entire development BREEAM Excellent.
  - The scheme was fully supported by Newbury Football Club and the Hellenic League, which they played in.
  - The pitch could be played on from the 2022/23 season, assuming no complications.
  - In response to assertions that the site was too far from the town centre, Councillor Woollaston stated that the majority of clubs in the lower leagues had grounds on the edge of the town, such as Basingstoke, Thatcham, Hungerford and Reading.
  - On parking, Councillor Woollaston stated that there was an agreement with the rugby club that home fixtures would not be played on the same day as football fixtures, and 280 of those spaces could be used in addition to the 52. An agreement with Newbury College would allow the use of an additional 150 on match days, and a traffic plan scheme formed part of the conditions.
  - On football getting fair playing time, Councillor Woollaston stated that 90% of playing time was for football. Sunday mornings and two 2 hour training sessions on weekdays were reserved for rugby, as well as two bookable grass pitches for mini football.
  - Councillor Woollaston asked that the Committee followed their decision on the Faraday Road applications and approved this application as there were no planning reasons to refuse it.

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### **Member Questions to the Portfolio Holder**

27. Councillor Abbs asked for clarification that the facility was Step 4. Councillor Woollaston confirmed that it was Step 4, but responded that it was currently Step 6, as the club was currently playing at Step 7.
28. Councillor Abbs asked for clarification as to how Step 4 would be achievable, noting the requirement to have seating for 1,300 spectators on three sides of the pitch, which did not feature in the application. Councillor Woollaston responded that he had raised this with officers, but had been assured that there was scope for spectators to view from three sides, it could meet the numbers required and it was definitely a Step 4 facility.
29. Councillor Tony Vickers noted that the Faraday Road site had been deemed 'unimplementable' and asked if there was a planning reason for this. He felt this was relevant if the Sports Hub would replace the Faraday Road site.
30. Mr Till confirmed that the Committee was being asked to consider if the proposal was capable of meeting the requirements of a Step 6 facility and if the proposed conditions were suitable to meet the requirements for a Step 4 facility. He stressed that the Faraday Road planning permission was a separate matter and whether that permission could / would be implemented was not a matter for consideration at this meeting.
31. Councillor Vickers noted that Councillor Woollaston had already referred to the site.
32. Councillor Culver expressed concern about the tone of debate. She asked about the ability to have seating on three sides, and how a water runoff tank could be accommodated in that scenario. Councillor Woollaston responded that the requirement would not be for seating on three sides, but spectators on three, and that there would be only be one stand, with standing on the other three sides.
33. Councillor Tony Vickers asked about walking times to the grounds. Councillor Woollaston responded that other grounds do not allow for parking close to the site, and that he had experienced an hour's walk to some football grounds, and therefore he did not consider it a problem.
34. Councillor Abbs noted that Step 4 grounds were usually expected to have two sides for seating, and asked how this would be possible. Councillor Woollaston noted that that was a preference, not a requirement.

### **Ward Member Representation**

35. Councillor David Marsh in addressing the Committee raised the following points:
  - Councillor Marsh noted that Mr Masiwa had referred to the neighbouring surgery, pharmacy, care home and David Lloyd Leisure Centre, but no reference had been made to the Priory hospital, and intended to ask whether the Council had considered its needs and those of the care home with regards to noise and light pollution.
  - Councillor Marsh additionally intended to ask Paul Goddard about Condition 10, which included roads which would be affected, but Monks Lane itself was not mentioned.
  - Councillor Marsh noted that it was the first time in a year that any Ward Member outside of the Executive had been given any opportunity to discuss the proposals,

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and this approach was difficult to understand, as it denied people a stake in the process.

- Councillor Marsh stated that some of the consultants employed by the Councils had put in poor work, and this was reflected in the quality of the application.
- Councillor Marsh argued that the noise and light pollution report was inadequate as it had only taken into account a crowd of 30 people. At Step 6, grounds must have covered accommodation for over a hundred people. On light pollution, Councillor Marsh believed that the floodlights would affect neighbouring properties, and those residents had not been adequately consulted.
- On transport and roads, Councillor Marsh doubted whether people would walk up a hill, and instead believed that people would drive and park at the surgery and pharmacy and nearby residential areas.
- Councillor Marsh accepted that the rugby and football club would play on alternate weeks, but noted that this did not take into account the development's capacity for additional events.
- Councillor Marsh accepted that it was a good deal for the rugby club, but stated that it would be at the expense of the wider community. In addition, there was a 3G playing pitch nearby at Park House School and talk of another at Newbury College.

36. Councillor Adrian Abbs in addressing the Committee raised the following points:

- Councillor Abbs stated that he had asked local residents for their thoughts, and noted that the feedback had become more negative the closer he had got to Monks Lane. Residents agreed with the need for more playing pitches, but expressed concerns about the lack of on-site parking which they felt would create parking issues. There were also concerns about the quality and environmental sustainability of the development, as there were no solar panels on the roof.

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

37. Councillor Doherty asked if Councillor Marsh was aware of the six week public consultation, and the standard planning consultation. Councillor Marsh stated that he was, but that it was months ago and did not account for changes in the application since. Councillor Marsh also raised concerns with how people such as those in care homes could respond.
38. Councillor Doherty noted that Newbury Rugby Club had been on the site for 25 years and that the homes present were built since, and asked why the long-term issues Councillor Abbs had raised had not been addressed before now. Councillor Abbs responded that he was actively addressing it in response to the survey.

### **Member Questions to Officers**

39. Councillor Barnett asked Mr Goddard whether he had considered the existing number of parking spaces which may be generated through the surrounding buildings, and whether those could be restricted, as well as the narrow nature of the road. Mr Goddard responded that he had, and that it was considered that the grounds would be used at off-peak times, such as evenings and weekends.
40. Councillor Abbs asked whether the consultation had been put out prior to the application. Mr Till responded that it was a question better suited to the applicant, but

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that the response to the consultation was publicly available. Mr Masiwa responded that the consultation by the applicant had been prior to submission of the application.

41. Councillor Culver asked, if the grounds were upgraded to Step 4, where spectators would be expected to stand? Mr Masiwa explained that Sport England had responded, indicating that the proposed development was designed with Step 4 in mind. The application was currently for Step 6, which had no minimum capacity, due to the league the football team was playing in. The Council recognised Sport England as a competent assessor of spectator numbers. Mr Masiwa further clarified that he was unsure about standing spectators, but assumed that it would accommodate standing spectators.
42. Councillor Rowles asked Mr Goddard whether there were more designated disabled spaces in other parking areas than the two specified. Mr Goddard responded that 4% was the guideline, and two spaces were considered satisfactory. Within the rugby club area, there were additional disabled spaces. Councillor Rowles asked whether there would be disabled spaces within the ring-fenced 30. Mr Goddard responded that he was unsure, as it was a private arrangement between the clubs, but that it was not the entirety of the spaces available.
43. Councillor Rowles asked why youth matches were not included within Condition 9. Mr Masiwa responded that it was assumed that the senior teams would cause the main demand on parking, and that it was a different consideration due to the different nature of parking use for youth matches, such as parents picking up children.
44. Councillor Doherty asked Mr Goddard whether Policy CS13 took into account changes in behaviour with regards to the climate emergency declaration, such as people being more likely to travel sustainably. Mr Goddard responded that all applications were assessed with a view to ensuring that people could access them by all modes of travel.
45. Councillor Doherty asked Mr Goddard about acceptable walking distances. Mr Goddard responded that the Institute of Incorporated Highway Engineers set maximum walking and cycling distances of 2 km and 5 km respectively. He felt that people would not walk 1.2km if there were alternative parking locations closer to the site.
46. The Chairman asked Mr Goddard whether there were any parking restrictions on Monks Lane. Mr Goddard responded that there were not. Noting the point raised by Councillor Marsh, Mr Goddard conceded that people may park on Monks Lane, and he had no objection to a condition requiring parking restrictions on it.
47. Councillor Abbs asked for clarification that the NPPF was a material planning consideration. Mr Masiwa responded that it was.
48. Councillor Rowles asked if the care home was part of the standard consultation. Mr Masiwa responded that the Council did not often notify specific residents of consultations, but it was clearly advertised and that this was clear from the number of responses.
49. Councillor Abbs asked for confirmation of the number of car parking spaces, noting that he had counted 105 in total. Mr Goddard responded that he had counted 283, including six coaches, and that 307 were available with no coach spaces. Councillor Abbs noted that the gravel area was marked with a 'staff only' sign, and asked for confirmation as to whether it would be made available. Mr Goddard responded that he understood it to be open on match days.



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50. Councillor Abbs asked how the walking time and distance was calculated. Mr Masiwa responded that the calculation was submitted by the transport consultant, and that further clarification had been sought on Councillor Abbs' request, which was included with the update report. Mr Masiwa stated that he considered the calculation to be approximate, but accurate. Councillor Abbs added that it was a car park to car park calculation, not entrance to entrance.
51. Councillor Vickers asked for clarification on whether the definition of 'playing pitch' included any facilities, including car park, clubhouse and changing room. Mr Till responded that the Council did not have a definition, but Sport England sets certain requirements, which includes associated facilities.
52. Councillor Abbs asked how far the fence was from the run-off area on the east side, and how spectators could stand in such a narrow space. Mr Masiwa responded that Sport England was the statutory consultee on this application, and they had not raised an objection with regards to this issue.
53. Councillor Abbs asked if Sports England had visited the site. Mr Masiwa responded that he did not know, but that assessed sites according to their procedures. The Chairman added that Sports England had access to the same plans.
54. Councillor Clive Hooker asked what the seated capacity of the stadium was. Mr Masiwa responded that it was 268. Councillor Hooker asked the average number of spectators was. Mr Masiwa responded that consultations with Newbury Football Club stated that 50 regularly attended. Councillor Hooker asked if it was an irrelevant concern
55. Councillor Abbs asked for clarification on biodiversity. Mr Masiwa responded that it was calculated using a net gain metric, and that the Ecologist was satisfied with the proposed improvements to biodiversity. Mr Masiwa noted that the main concern was with the loss of the grass pitch, but that the gains were sufficient.
56. Councillor Abbs asked whether Sport England had been consulted on whether their concerns still held once the application was changed to Step 6. Mr Till responded that the change in the joint declaration was not relevant to the application, and therefore Sport England's position would not be changed and their reconsideration was not required.

### **Debate**

57. Councillor Abbs opened the debate by stating that Faraday Road was mentioned 14 times within the application, and that it was relevant to the planning application. In addition, the Portfolio Holder had given a clear steer that the grounds were being proposed as a Step 4 venue rather than Step 6 as per the application. The application indicated that that the grounds would have to be ready to upgrade to Step 5. Councillor Abbs made clear that upgrading the ground to Step 4 would be difficult, as it required spectators on three sides and there was no space for that. Councillor Abbs stated that the intention of the Portfolio Holder was for this to be a Step 4 venue, and a replacement for Faraday Road. Residents were clear in their responses that they wanted a plan to progress to Step 4 which would require accommodation of 1,300 spectators, with associated parking demand that was not included within the current application. He noted that Thatcham Town Football Club operated as a Step 4 club and regularly got 661 spectators, so more could be expected for a big game. He stressed that he supported the call for more 3G pitches, but not this proposal.

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58. Councillor Culver noted that she had been lobbied on the application. She did not see a problem with expecting spectators to walk to the ground. She considered the discussion on the application to be of a very poor tone. Councillor Culver stated that she found it difficult to vote on this, as the agent had confirmed that the ground would be suitable for a Step 4 facility, but it clearly could not accommodate 1,300 spectators and there had been contradictory statements given throughout the meeting.
59. Councillor Tony Vickers noted that the NPPF required an application to be sustainable economically, socially and environmentally, and that, in his view, it did not meet any of these criteria. He stated that there was no plan presented for how it was economically sustainable, and that the Council would end up subsidising it for 40 years. On social sustainability, the Faraday Road site was an Asset of Community Value and it was proposed that it would be replaced on a like-for-like basis. The proposed sports hub could not provide the same social offer as Faraday Road. With regards to environmentally sustainability, there were clear traffic and parking issues with the Sports Hub.
60. Councillor Barnett recognised that there was a real need for more football pitches, and the residents were owed a suitable site. However, he did not believe this was a suitable site. He expressed concerns about car parking and traffic. He recalled that Monks Lane used to be a quiet road, and noted the large increase in traffic over the years. He observed that the access to the site was not ideal, since it had been laid out incorrectly. The car parking layout was also not ideal. Councillor Barnett suspected that spectators would not park at the College, but would park on nearby roads instead. He indicated that he did not support the proposal.
61. Councillor James Cole noted that there was an application in front of the Committee for a Step 6 venue, with the capability to upgrade to Step 4. The parking was adequate, with no clashes in terms of matches. He noted that the college parking was a 10-12 minute walk away. He felt that lighting concerns could be addressed. He concluded that the application was acceptable in planning terms, and there was no reason to refuse it.
62. Councillor Abbs noted that Sport England had based their original determination on the understanding that the ground would be a replacement for Faraday Road. However, the proposal was not presented as a replacement. Therefore, Councillor Abbs could not understand how Sport England had decided that this proposal was acceptable. He felt that alternative proposals were far more suitable and sustainable. He noted that Newbury College had proposed an alternative site.
63. Councillor Doherty stated that she trusted the conclusions reached by officers and Sport England on the suitability of the site, including that the spectators could be accommodated. Councillor Doherty noted concerns on parking, but she was satisfied by the condition set by Mr Goddard on the issue. She felt that people would park at the college and walk and that people needed to be nudged to be more sustainable. She saw no reason to oppose the application.
64. Mr Till reminded the Committee was not deciding between developments at Monks Lane and Faraday Road.
65. Councillor Rowles noted that the call-in had referenced the parking allocation. She trusted Mr Goddard's recommendation regarding parking, and that people should be encouraged to travel sustainably. Councillor Rowles requested that if Members were minded to approve the application, then parking restrictions on Monks Lane, and

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residents' concerns regarding light pollution should be conditioned. She indicated that she would support the application if these were addressed.

66. Councillor Hooker felt that the proposal would provide a first class sports pitch for a range of activities not just football. In planning terms, he saw no reason to refuse the application. He felt that Members' concerns about parking and access had been addressed by officers. Councillor Hooker stated that it was a good opportunity to provide a state of the art facility and the proposal should be approved for the benefit of local youth and adult sports players.
67. Councillor James Cole stated that it was important to get people out of cars, and there was no planning reason to refuse the application.
68. Councillor Tony Vickers proposed to reject Officer's recommendation and refuse planning permission. This was seconded by Councillor Phil Barnett.
69. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Phil Barnett to refuse planning permission. At the vote the motion rejected.
70. Councillor James 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 Clive Hooker.
71. The Chairman invited Members of the Committee to vote on the proposal by Councillor James Cole, seconded by Councillor Clive Hooker to grant planning permission subject to the conditions listed in the main report and update report.. At the vote the motion was carried.
72. Concerns were expressed following the vote that there had not been a chance for Members to highlight issues that they wished to see address in the conditions (other than those relating to lighting and parking restrictions on Monks Lane) prior to the vote. The legal advisor confirmed that the vote had been concluded and that no further conditions could be imposed.

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

### 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> <p>Received on 20 August 2021:</p> <ul style="list-style-type: none"><li>• Proposed Clubhouse Roof Plan drawing No 1888-SBA -XX -R1-DR-A -012 Revision A</li><li>• Proposed Clubhouse Sections drawing No 1888-SBA -XX -ZZ -DR-A -101 Revision A</li></ul>

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- Proposed Clubhouse Elevations drawing No 1888-SBA -XX -ZZ -DR-A -201 Revision B
- Proposed Clubhouse Ground Floor Plan drawing No 1888-SBA -XX -00 -DR-A -010 Revision C
- Sewer survey report
- Match day maintained average illuminance report
- Guidance notes for the reduction of obtrusive light
- Optivision LED - Sports lighting

Received on 01 September 2021:

- Proposed Seat Stand Elevations and Plan drawing No 001 Revision A
- Utilities and CCTV Drainage Survey plan sheet 1 of 1
- AGP Floodlighting Scheme plan drawing No NSH-SSL-XX-ZZ-DR-A-03 Revision 01

Received on 23 September 2021:

- Business Plan
- Received on 18 October 2021:
- Amended Flood Risk Assessment
- Amended Noise Impact Assessment
- Amended Design and Access Statement
- Amended Location Plan drawing No 1888-SBA -XX -00 -DR-A -510 Revision E
- Amended proposed pitch layout plan drawing No 1888-SBA -XX -ZZ -DR-A -512 Revision D
- Amended Floodlighting performance report
- Amended proposed AGP Plan with dimensions drawing No NSHSSL-XX-ZZ-DR-A01Revision 02
- Amended floodlighting plan drawing No NSH-SSL-XX-ZZ-DR-A-03 Revision 01
- Amended Supporting Technical Information -Pitch, Drainage and Lighting
- Applicant response to Sport England comments
- Amended proposed landscape and enhancements masterplan drawing No 100 Revision A
- Amended planting schedule
- Amended Tree Removal and Protection Plan drawing No 701 Revision A
- Amended Tree survey and Arb impact assessment
- Amended Ecological Appraisal
- Biodiversity Net Gain Metric

Received on 03 November 2021:

- Rugby Pitch Plan drawing No 1888-SBA -XX -ZZ -DR-A -506 Revision C

Received on 11 November 2021:

- AGP particles research
- AGP users guidance to reduce micro plastic loss
- AGP users guidance
- AGP infill material statement
- Amended Landscape and Ecology Management Plan (LEMP)
- Amended Construction and Environmental Management Plan (CEMP)

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	<p>Received on 12 November 2021:</p> <ul style="list-style-type: none"> <li>• AGP Filtration catchment</li> <li>• AGP Sportfix Filtration system</li> <li>• Amended Transport Statement</li> <li>• Applicant response to Highways</li> </ul> <p>Received on 15 November 2021:</p> <ul style="list-style-type: none"> <li>• Applicant response to Drainage 1</li> <li>• Applicant response to Drainage 2</li> <li>• Applicant response to Drainage 3</li> <li>• Trial Pit Investigation Log</li> <li>• Amended Combined Flood Risk Assessment and Drainage Strategy</li> <li>• Amended Drainage General Arrangement Plan drawing No PB-1019-ZZ-ZZ-DR-C1001 Revision P2</li> <li>• Amended proposed AGP Elevation -Lighting Column, Acoustic Barrier, Container drawing No HTA-SSL-XX-ZZ-DR-A-02 Revision 03</li> <li>• Amended proposed AGP Drainage plan drawing No NSH-SSL-XX-ZZ-DR-A-04 Revision 02</li> <li>• Amended AGP Section drawing No HTA-SSL-XX-ZZ-DR-A-07 Revision 00</li> </ul> <p>Received on 16 November 2021:</p> <ul style="list-style-type: none"> <li>• Cross section drainage and plastics filtration pipes</li> </ul> <p>Received on 19 November 2021:</p> <ul style="list-style-type: none"> <li>• Amended proposed site plan and Electric Vehicle charging drawing No 1888-SBA - XX -ZZ -DR-A -511 Revision F</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>External Materials</b></p> <p>Notwithstanding the provisions of the plans and documents hereby approved, prior to above foundation level works commencing, schedule of all the materials for the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p>
4	<p><b>Means of Enclosure</b></p> <p>Notwithstanding the provisions of the plans and documents hereby approved, the development hereby permitted shall not be first used until full details have been submitted to and approved in writing by the Local Planning Authority in respect of the means of enclosure or boundary treatments on the site. These details shall include a plan indicating the positions, design, materials and type of boundary treatment (including acoustic fencing) and gates to be erected within the site. The boundary treatments shall be completed in accordance with the approved scheme</p>

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	<p>before the development hereby permitted is first used. The boundary treatment shall thereafter be retained and maintained in accordance with the approved details.</p> <p>Reason In the interest of visual amenity, to protect neighbouring amenity and to ensure the satisfactory appearance of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p>
5	<p><b>Parking, turning and travel</b></p> <p>The use of the development hereby approved shall not commence until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans.</p> <ul style="list-style-type: none"> <li>a) The parking provisions to be made available before first use shall also include that all parking overflow arrangements at the Newbury Rugby Club and Newbury College are in place before the development hereby approved is first used.</li> <li>b) As submitted in the application documents: In terms of the overflow parking at Newbury College, a transport bus from the college to the club shall be made available before and after the matches when the use of the overflow parking at Newbury College is required.</li> <li>c) A "How to get there" page with travel directions and maps for driving, cycling and walking shall be placed on the relevant Rugby Club and Football Club websites before the development hereby approved is first used.</li> </ul> <p>The development hereby approved shall not be brought into use until confirmation of how the requirements of points (a),(b) and (c) above are delivered has been submitted and approved in writing by the Local Planning Authority.</p> <p>The parking, turning and travel provisions shall thereafter be implemented and kept available for use at all times during matches. If provision of parking at the Rugby Club and Newbury College is terminated, alternative arrangements shall be submitted and approved in writing by the Local Planning Authority.</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 applied 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>
6	<p><b>Electric vehicle charging points</b></p> <p>The use of the development hereby approved shall not commence until electric vehicle charging points have been provided in accordance with the approved plans. Thereafter, the charging points shall be maintained, and kept available and operational for charging of electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
7	<p><b>Cycle parking</b></p>

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	<p>The use shall not commence until the cycle parking has been provided in accordance with the approved plans and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is applied 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>
8	<p><b>Pedestrian footpath link</b></p> <p>The use of the development hereby approved shall not commence until details of a pedestrian footpath link from Monks Lane to the approved sports hub building (including any surfacing arrangements and marking out) have been submitted and approved in writing by the Local Planning Authority. The pedestrian footpath shall thereafter be completed and maintained in accordance with the approved details.</p> <p>Reason: To ensure the development is provided with adequate pedestrian footpath access, in the interest of providing adoptable infrastructure, road safety and flow of traffic. This condition is applied 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>
9	<p><b>Alternating rugby and football home match days</b></p> <p>The provision of adult football and rugby home matches shall be played on alternate match days in the evenings and on Saturdays and Sundays. No main adult football and rugby team matches shall take place on the same day.</p> <p>Reason: To ensure the development is provided with adequate parking facilities to cope with the demand for parking, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
10	<p><b>Additional parking demand</b></p> <p>In the event that the football club is promoted at any point following the completion of the approved development the applicant/operator shall submit a report that includes details of an undertaking as per the details below and results from at least two on street car parking and photograph surveys on non-match days and during match days covering the following streets: Tydehams, Highlands, Monkswood Close, Dormer Close, Sutherlands, Heather Gardens, Rupert Road, Byron Close, Robins Close, Charter Road, and adopted roads within any Sandleford Park development within 700 metres of the site</p> <ol style="list-style-type: none"> <li>a) The survey report shall be submitted within three months of the commencement of each new promotion season.</li> <li>b) Should the results on both match occasions reveal significant car parking on two or more streets, a financial contribution of £2,000 shall be provided to the West Berkshire Highway Authority towards the consultation and potential provision of waiting restrictions (the extent and type to be determined at the time depending on the submitted on street car parking survey results).</li> </ol>

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	<p>c) Should the consultation for the above measures be negative amongst affected residents, then no further action is to be taken.</p> <p>d) Should the consultation for the above measures be positive amongst affected residents the applicant shall provide a Travel Plan Statement including but not limited to the following:</p> <ul style="list-style-type: none"> <li>i. Appropriate incentives and targets to encourage use of sustainable travel for home matches</li> <li>ii. At home matches, the provision of overflow car parking within the Newbury College / University complex with the number of car parking spaces to be agreed and the agreement attached as an Appendix.</li> <li>iii. At home matches, the provision of a shuttle bus from Newbury College / University to the football ground.</li> </ul> <p>All of the above measures shall be reviewed at five years intervals following implementation or at the point when the football club is promoted further, whichever comes first. The review shall include the submission of a review and/or monitoring report for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority.</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 applied 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>
11	<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 the ecological appraisal should be updated. This is because the ecology of the site is likely to change over time. 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>
12	<p><b>Landscape and Ecological Management Plan (LEMP)</b></p> <p>The use of the development hereby approved shall not commence until the Landscape and Ecological Management Plan is implemented in accordance with the Landscape and Ecological Management Plan (LEMP) JSL4065_555 Revision 2 by RPS Group received on 11 November 2021.</p> <ul style="list-style-type: none"> <li>a) Any detailed habitat creation and management in accordance with the approved LEMP scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this LEMP shall be replaced within the next planting season by habitat creation and management measures of a similar size and scale to that originally approved.</li> <li>b) Before the development is first used the applicant shall submit a planting plan as an addendum to the approved LEMP for approval in writing by the</li> </ul>



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	<p>Local Planning Authority. The plan shall include the links between the LEMP and any other supporting information, including reference to the LEMP and the final SuDS drainage and maintenance plan.</p> <p>The approved LEMP details 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, drainage 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. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
13	<p><b>Micro plastics and nature conservation measures</b></p> <p>Before the 3G Artificial Grass Pitch is brought into use, an Addendum to the Landscape and Ecological Management Plan (LEMP) Shall be submitted for approval in writing by the Local Planning Authority. The Addendum shall outline the following:</p> <ul style="list-style-type: none"> <li>a) Pitch substrate structural makeup showing details of the materials.</li> <li>b) Details of the installation of signage with the aim of reducing micro plastics leaving the pitch and site.</li> <li>c) A layout plan of the site – showing where grates, fences and other Micro plastic control infrastructure is located.</li> <li>d) Details of how the applicants propose to ensure there is no net increase in the amount of plastics (that could become micro in size if not already that size) entering the natural environment because of the proposed development and its use. The details shall address mitigating the expected 15kg of micro plastics outlined within the submitted documents. The overall objection is a reduction to the point of zero offset incorporating other measures and schemes that can be employed, including schemes with third party organisations already knowledgeable in the micro plastics field such as Thames Water and the Kennet Catchment Partnership or other partners.</li> </ul> <p>The approved measures shall thereafter be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.</p> <p>Reason: To ensure that the release of plastics and in particular micro-plastics into the environment is mitigated to safeguard the River Kennet and River Lambourn Sites of Special Scientific Interest (SSSI) catchment areas. The two rivers are rivers of national and international importance with significant nature conservation value. This condition is applied in accordance with the statutory provisions relating to protected species and habitats, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
14	<p><b>Construction Environmental Management Plan (CEMP)</b></p> <p>The development hereby permitted shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) JSL4065 by RPS Group received on 11 November 2021.</p> <ul style="list-style-type: none"> <li>a) The construction site office, compound and storage of materials shall be</li> </ul>

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	<p>located within the bounds of the application site, unless prior approval has been granted in writing by the Local Planning Authority.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats during the construction period. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
15	<p><b>AGP Certification</b></p> <p>Use of the development shall not commence until confirmation of the following certifications and registrations has been submitted to the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality and</li> <li>b) Confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches, and these details shall be submitted to and approved in writing by the Local Planning Authority.</li> <li>c) Certification that the Artificial Grass Pitch hereby permitted has met World Rugby Regulation 22</li> </ul> <p>Thereafter the development shall be implemented in accordance with the certified and registered details and details approved by the Local Planning Authority.</p> <p>Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).</p>
16	<p><b>Community use agreement</b></p> <p>Prior to the AGP and associated pavilion and car parking being first brought into use, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch, the pavilion and car parking and include details of pricing policy, hours of use, access by non-members of Newbury Sport Hub, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.</p> <p>Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).</p>
17	<p><b>AGP Management and Maintenance Scheme</b></p> <p>Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. This is to ensure the replacement of the Artificial Grass Pitch within the manufacturer's recommended</p>

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	<p>specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial grass pitch.</p> <p>Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).</p>
18	<p><b>Sustainable drainage measures</b></p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ul style="list-style-type: none"> <li>a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 and in particular incorporate infiltration and 'green SuDS' measures;</li> <li>b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing should be undertaken in accordance with BRE365 methodology;</li> <li>c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or surface water drainage system at no greater than 1 in 1 year Greenfield run-off rates;</li> <li>d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</li> <li>e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;</li> <li>f) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;</li> <li>g) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;</li> <li>h) Include permeable paved areas which are designed and constructed in accordance with manufacturers specification or guidelines if using a proprietary porous paved system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;</li> <li>i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;</li> <li>j) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);</li> <li>k) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;</li> <li>l) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;</li> <li>m) Upon completion, include a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations</li> </ul>

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	<p>thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include : plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (2006) and SuDS Supplementary Planning Document (2018).</p>
19	<p><b>Construction hours</b></p> <p>No construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays;</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
20	<p><b>Construction method statement</b></p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> <li>(a) A site set-up plan during the works;</li> <li>(b) Parking of vehicles of site operatives and visitors;</li> <li>(c) Loading and unloading of plant and materials;</li> <li>(d) Storage of plant and materials used in constructing the development;</li> <li>(e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;</li> <li>(f) Wheel washing facilities;</li> <li>(g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</li> <li>(h) A scheme for recycling/disposing of waste resulting from construction works;</li> <li>(i) Hours of construction work;</li> <li>(j) Hours of deliveries and preferred haulage routes;</li> </ul> <p>A pre-commencement condition is required because the CMS must be adhered to during all construction operations including the first operations on the site.</p>

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	<p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
21	<p><b>Noise Impact Assessment</b></p> <p>The development and use hereby permitted shall be implemented in accordance with the Noise Impact Assessment ref: 9157/RD by Acoustic Consultants Ltd received on 18<sup>th</sup> October 2021.</p> <p>a) The Noise Management Plan within the approved Noise Impact Assessment, including measures for the control of antisocial behaviour, hours of operation and reporting shall be implemented in full.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
22	<p><b>Lighting Assessment</b></p> <p>The development and use hereby permitted shall be implemented in accordance with the AGP Technical Information to Support Planning Revision 1 by Surfacing Standards Limited received on 18<sup>th</sup> October 2021 and the Match day maintained average illuminance report by Surfacing Standards Ltd received on 20 August 2021 and the approved lighting details listed under condition 2.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
23	<p><b>Landscaping</b></p> <p>The development hereby permitted shall not be first used until details of treatment of all parts on the site not covered by buildings have been submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season of the completion of the development. Details shall include:</p> <p>a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;</p> <p>b) location, type and materials to be used for hard landscaping including specifications, where applicable for:</p> <ul style="list-style-type: none"> <li>i. permeable paving</li> <li>ii. tree pit design</li> <li>iii. underground modular systems</li> <li>iv. Sustainable urban drainage integration</li> <li>v. use within tree Root Protection Areas (RPAs);</li> </ul> <p>c) a schedule detailing sizes and numbers/densities of all proposed trees/plants;</p>

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	<p>d) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and</p> <p>e) types and dimensions of all boundary treatments</p> <p>There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting.</p> <p>Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved landscaping scheme 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>Reason: 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 condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
24	<p><b>Tree protection scheme</b></p> <p>All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing numbers JSL4065_771 &amp; JSL4065 dated July 2021.</p> <p>The protective fencing shall be implemented and retained intact for the duration of the development.</p> <p>Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
25	<p><b>Arboricultural Method Statement</b></p> <p>The Arboricultural Method Statement and tree protection measures within report ref: JSL4065_771 dated July 2021 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
26	<p><b>Pre-commencement meeting (Tree protection)</b></p> <p>No development shall take place (including any ground works or site clearance) until</p>

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	<p>a pre-commencement meeting has been held on site and attended by a suitably qualified arboricultural consultant, the applicant/agent and a Tree Officer from the Council to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed or that all tree protection measures have been installed in accordance with the approved tree protection plan.</p> <p>The outcome of the meeting shall be submitted and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.</p> <p>Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out to ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
27	<p><b>Retaining trees</b></p> <p>No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted in writing from the Local Planning Authority.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping. This condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
28	<p><b>BREEAM</b></p> <p>The sports pavilion building hereby permitted shall not be occupied until a final Certificate has been issued, and a copy submitted to the Local Planning Authority, certifying that BREEAM "EXCELLENT" has been achieved for the development.</p> <p>Reason: To ensure the development contributes to sustainable construction and sustainable operations. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD (Part 4).</p>
29	<p><b>External lighting</b></p> <p>The development hereby permitted shall be implemented in accordance with the Match day maintained average illuminance report by Surfacing Standards Ltd received on 20 August 2021 and the approved lighting details listed under condition 2.</p> <p>No additional external lighting shall be installed except in accordance with a lighting strategy that has been submitted to and approved in writing by the Local Planning Authority.</p>

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	<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 approved lighting strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written 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. To ensure the protection of neighbouring residential amenity. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026)</p>
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### **Informatives**

1.	<p><b>Approach of the LPA</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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2	<p><b>CIL.</b></p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from the Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3	<p><b>FIFA Quality Concept for Football Turf</b></p> <p>(artificial grass pitches for Steps 1 to 4 of the FA's National League System) - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules. For Rugby the artificial grass pitch is to be tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.</p>
4	<p><b>Highways waiting restrictions</b></p> <p>In respect of the requirements of condition 10 should the football club be promoted and the results of the public consultation public consultation on parking be negative, the Local Highways Authority has stated that appropriate waiting restrictions will be considered and implemented where necessary.</p>
5.	<p>As indicated above, the Joint Statement by West Berkshire Council and Sport England is now included as an informative, which is outlined below:</p> <p>The Local Planning Authority notes the content of a joint statement issued by West</p>



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	<p>Berkshire Council and Sport England, setting out the Council's wider intentions with regard to delivery of the requirements of the Playing Pitch Strategy.</p> <p>The submitted Joint Statement by West Berkshire Council and Sport England is referred in the committee report for the purposes of context for the application. In considering this planning application, the material planning consideration is the West Berkshire Playing Pitch Strategy and its requirements, not the joint statement.</p>
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### (2) **Application No. and Parish: 21/01868/FULD, Hungerford Old Peoples Home, Chestnut Walk, Coldharbour Road, Hungerford**

*(Councillors Dennis Benneyworth, James Cole and Claire Rowles declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were Local Ward Members for the site and had attended meetings at Hungerford Town Council where the proposal had been discussed. 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.)*

73. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/01868/FULD in respect of Hungerford Old Peoples' Home, Chestnut Walk, Coldharbour Road, Hungerford.
74. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – Development and Regulation be authorised to grant planning permission, subject to the completion of a S106 legal agreement by 15 March 2022 (or such other date to be agreed in writing by the Service Director – Development and Regulation in consultation with the Chairman of the Western Area Planning Committee) and in accordance with the conditions outlined in the main and update reports.
75. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that Highways had no objection. However, the required parking spaces were not an ideal distance from some dwellings, but this was not a substantial reason for refusal.
76. In accordance with the Council's Constitution, Mr John Downe, Hungerford Town Council, addressed the Committee on this application.

### **Town Council Representation**

77. Mr John Downe, Hungerford Town Council, in addressing the Committee raised the following points:
- The Town Council had seen a great deal of interest in the application over the past year, and were keen to see the derelict care home site used and improved. Additionally, affordable homes were much needed, as well as the addition of eight modestly-sized homes.
  - The Town Council had an issue with the design of the homes, and some concerns regarding sustainability. However, these had been addressed and the Town Council had no objections to the development.
  - However, the Town Council wanted to raise with the Committee that in discussions with Homes for West Berkshire they were repeatedly assured that the houses would be built with heating systems that would be in line with the

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Government's standards. To make that happen, the Council was asked to accept a lower value for the land. However, the Town Council believed that it was necessary to provide the heating as it was a standard that the Council had set in declaring a climate emergency.

- The Town Council pleaded that the electric vehicle charging points have electricity come from the occupants' homes, as handing it to a private company would significantly increase their energy costs, and asked that it be made a condition.

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

78. Councillor Tony Vickers asked for clarification on whether the Committee was being asked to condition a significantly better level of sustainability than the policy required. Mr Downe confirmed that he was, and that it was the level that the Council should be aiming for.

### **Ward Member Representation**

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

- He noted that discussions with Sovereign and the Town Council had gone on for some time, and the conditions for refusal had gradually dissipated. For this reason, he had attempted to withdraw the call-in to save costs and time.
- He completely supported the Town Council's plea to adhere to heating standards and the Council's own Social Value Policy. However, it was not a planning issue and would therefore be raised with the Executive.
- On electric vehicle charging points, Councillor James Cole was in agreement that this become the standard, and that it could be looked at and worked out.

80. Councillor Claire Rowles in addressing the Committee raised the following points:

- Councillor Rowles thanked the Town Council for raising the heating standards as an issue.

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

81. Members did not have any questions of clarification.

### **Member Questions to Officers**

82. Councillor Tony Vickers noted that he now understands the Town Council's position on sustainability. He asked if there was any planning law reason why they could not request that the applicant go beyond the sustainability requirements. Mr Till responded that the intention of the law was to ensure adherence with the frameworks and NPPF, and from a policy perspective the Council must adhere to those frameworks, and not impose additional requests or requirements. While an applicant may take from a meeting that they could do more, they must not feel like they are held to it as that could be grounds for an appeal.
83. Councillor Carolyn Culver asked whether Policy CS15 did not apply to the application because it was not a major application, and how the Compton NDP could set a 19% improvement in carbon emissions as a requirement. Mr Till responded that

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Policy CS15 did not apply in this case, and an NDP was a policy, allowing the parish council to bring forward their policy own requirements.

84. Councillor Rowles asked Mr Goddard if it was correct that four garages would be demolished and four retained, and whether he envisioned any issues with visitor parking. Mr Goddard responded that the parking standards didn't include visitor parking, but that the five bays near the entrance could be conditioned as available for use by visitors.
85. Councillor Adrian Abbs asked if a management company was handling any of the land. Mr Masiwa confirmed that some of the area near the demolished garage was owned by Sovereign and the retained garages were privately owned.
86. Councillor James Cole asked Mr Goddard if there was a policy on charging points for electric vehicles. Mr Goddard noted that there was no policy, but supported the charging being provided as part of the curtilage. Mr Goddard would take the point forward.
87. Councillor James Cole asked how affordable housing worked within the policy. Mr Masiwa responded that all eight dwellings delivered were affordable housing, and was pushed by the applicant. The requirement in Policy CS6 was for 25% affordable housing to be built.
88. Councillor Clive Hooker asked whether the retained garages would be repaired, there was clear right of way, and that there was no obstruction of the garages. Mr Till responded that these were not planning issues, but that they were legal requirements outside of the planning process. The third point would be down to an agreement between the owners.
89. Councillor Culver asked whether the dwellings would be social rent. Mr Masiwa responded that 50% of the dwellings would be social rent.

### **Continuation of Meeting**

90. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(2).

### **Debate**

91. Councillor Abbs opened the debate. He felt that it was an easy decision to go along with officer recommendations. He was happy that charging points were discussed, notably the cost of charging, and asked that it be conditioned if it was not already part of the curtilage. Mr Till responded that it could not be conditioned as it would go beyond policy, but it could be suggested.
92. Councillor Phil Barnett noted that he was upset to see the previous old people's home closed, but supported this application.
93. Councillor Tony Vickers sympathised with Mr Downe's point, and asked that Members' enthusiasm for sustainability to be looked at to be minuted. Mr Till agreed that it could be minuted. Councillor Tony Vickers stated that as it was important to reduce the bills of residents, it should be included as an advisory. Mr Till responded that it could. Councillor James Cole added that he would raise it at Executive.
94. Councillor Rowles stated her support, as it would improve on an existing eyesore.

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95. The Chairman stated his support, as residents were anxious to see the area developed.
96. Councillor Adrian Abbs 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 Phil Barnett.
97. Mr Till noted that there was an added informative regarding the powering of the electric vehicle charging points.
98. The Chairman invited Members of the Committee to vote on the proposal by Councillor Adrian Abbs, seconded by Councillor Phil Barnett to grant planning permission. At the vote the motion was carried unanimously.

**RESOLVED that** the Service Director - Development and Regulation be authorised to grant planning permission subject to the completion of a Section 106 legal agreement by 15 March 2022 (or such other date to be agreed in writing by the Service Director – Development and Regulation in consultation with the Chairman of the Western Area Planning Committee) in accordance with the following heads of terms and in accordance with the following schedule of conditions:

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

1.	<b>Affordable housing</b> <ul style="list-style-type: none"><li>• To provide 25% affordable housing on site in the form of 2 Units (one 3 bedroom unit and one two bedroom unit).</li><li>• Transfer to Registered Housing Provider.</li><li>• Of the two affordable housing units, one unit being social rented tenure, one unit being an intermediate or shared ownership form of affordable housing.</li><li>• Detailed requirements and specifications in accordance with the Planning Obligations SPD.</li></ul>
2	<b>Council's Costs</b> <ul style="list-style-type: none"><li>• To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee</li></ul>

### ***Conditions***

1.	<b>Time Limit for commencement</b> <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.	<b>Approved plans</b> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <p>Received on 14 July 2021:</p>

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	<ul style="list-style-type: none"> <li>• Affordable Housing Statement</li> <li>• Highways search</li> <li>• Site solutions</li> <li>• Drainage and Water search</li> <li>• Utilities Search</li> <li>• Ground Investigation Report</li> <li>• Ground Investigation</li> </ul> <p>Received on 11 August 2021:</p> <ul style="list-style-type: none"> <li>• Plots 1 and 2 - Proposed elevations and floor plans drawing No D111 Revision E</li> <li>• Plots 3 and 4 - Proposed elevations and floor plans drawing No D112</li> <li>• Plots 5, 6, 7 and 8 - Proposed elevations and floor plans drawing No D110 Revision D</li> <li>• Bat Survey Report</li> <li>• Preliminary Ecology Appraisal received on 29 July 2021</li> <li>• Applicant response to Highways received on 16 September 2021</li> <li>• Amended roof plan drawing No D09 Revision A received on 27 September 2021</li> <li>• Amended Arboriculture Report received on 27 September 2021</li> <li>• Amended site plan drawing No D06 Revision K received on 29 September 2021</li> <li>• Amended proposed street elevation drawing No D200 Revision F received on 06 October 2021</li> <li>• Amended proposed landscape plan drawing No D900 Revision A received on 11 October 2021</li> <li>• Amended design and access statement received on 02 November 2021</li> <li>• Affordable housing statement addendum received on 04 November 2021</li> <li>• Amended energy and sustainability statement received on 12 November 2021</li> <li>• Amended boundary treatment drawing No D07 Revision D received on 03 December 2021</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>External Materials</b></p> <p>Prior to above foundation level works commencing, details of external facing materials and any hard surfacing for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and the Quality Design SPD (June 2006).</p>
4	<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,</p>

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	<p>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 July 2024 the ecological appraisal should be updated. This is because the latest ecology assessment report was dated July 2021 and many of the species considered during the current survey are highly mobile and the ecology of the site is likely to change over this period. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
5	<p><b>Ecological reports</b></p> <p>The development hereby approved shall be implemented fully in accordance with the Preliminary Ecological Appraisal dated June 2021 received on 29 July 2021 and Bat Activity Surveys dated July 2021 received on 11 August 2021 both produced by Abricon Ltd and thereafter all recommendations shall be retained.</p> <p>Reason: To ensure the protection of species which are subject to statutory protection. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
6	<p><b>Sustainable Drainage Measures</b></p> <p>No above ground development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The sustainable drainage measures shall include details of an acceptable SuDS design and maintenance plan.</p> <p>The details shall also consider the management of waste water drainage and if any surface and waste water drainage is proposed to be connected to the Thames Water system, then the developer shall contact Thames Water to establish whether there is capacity on the network and whether there needs to be any additional infrastructure upgrade. As a discharge of condition application, the developer shall submit confirmation in writing from Thames Water on the capacity of the network and the acceptability of connection to the network.</p> <p>Reason: To ensure that surface water and waste water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, amenity and ensure future maintenance of any proposed surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policies CS5, CS16 and CS17 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (2018).</p>
7	<p><b>Electric Charging Point</b></p> <p>No development shall take place until details of an electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall thereafter be retained and kept available for the use of electric vehicles.</p>

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	<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>
8	<p><b>Construction method statement (Highways)</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> <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>
9	<p><b>Footway resurfacing</b></p> <p>No dwelling shall be occupied until the 2 metre wide footway fronting the site has been resurfaced following the completion of works, including relocating the street lighting columns.</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
10	<p><b>Parking in accordance with plans</b></p> <p>The dwellings shall not be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking spaces 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>
11	<p><b>Cycle parking</b></p>

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	<p>The dwellings shall not be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, 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>
12	<p><b>Hours of work (demolition and construction)</b></p> <p>No demolition and construction works shall take place outside the following hours:</p> <p>7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays;</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).</p>
13	<p><b>Construction Management Plan (Environmental)</b></p> <p>No development shall take place until details of a scheme (Demolition and Construction Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-</p> <ul style="list-style-type: none"> <li>(i) the control of noise</li> <li>(ii) the control of dust, smell and other effluvia</li> <li>(iii) the control of rats and other vermin</li> <li>(iii) the control of surface water run-off</li> <li>(iv) the proposed method of piling for foundations (if any)</li> <li>(v) proposed construction and demolition working hours</li> <li>(vi) hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site.</li> </ul> <p>The development shall be carried out in accordance with the approved scheme.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers. The approval of this information is required at this stage because insufficient information has been submitted with the application. The approval of this information is required before development commences because insufficient information accompanies the application and the Construction Management Plan must be in place before construction operations commence. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 of the West Berkshire Core Strategy (2006 -2026), and Policies OVS.5, OVS.6 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).</p>
14	<p><b>Planting and landscape works</b></p> <p>All tree planting and landscape works shall be completed in accordance with the submitted plans, reference drawing numbers Landscape Plan ref: D900 Revision A received on 11 October 2021.</p>



## WESTERN AREA PLANNING COMMITTEE - 15 DECEMBER 2021 - MINUTES

	<p>The approved tree and landscaping plan shall be implemented within the first planting season following completion of development or prior to first occupation of any of the dwellings.</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>Reason: 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. This condition is applied in accordance with the NPPF and Policies ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
15	<p><b>Permitted development restriction (extensions/outbuildings)</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 extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out, 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 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) and the Quality Design SPD (June 2006).</p>

### Informatives

1.	<p><b>Approach of the LPA</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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>CIL</b></p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from the Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For</p>

## WESTERN AREA PLANNING COMMITTEE - 15 DECEMBER 2021 - MINUTES

	further details see the website at <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a>
3.	<p><b>Legal agreements - Section 106</b></p> <p>This Decision Notice must be read in conjunction with the terms of the Legal Agreement of the *. You are advised to ensure that you have all the necessary documents before development starts on site.</p>
4	<p><b>Access construction</b></p> <p>The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or <a href="mailto:highwaysassetmanagement@westberks.gov.uk">highwaysassetmanagement@westberks.gov.uk</a> should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.</p>
5	<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>
6	<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>
7	<p><b>Excavation in close proximity to the highway</b></p> <p>In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority. Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or <a href="mailto:highwaymaintenance@westberks.gov.uk">highwaymaintenance@westberks.gov.uk</a></p>
8	<p><b>Official Postal Address</b></p> <p>Please complete an online street naming and numbering application form at <a href="https://www.westberks.gov.uk/snn">https://www.westberks.gov.uk/snn</a> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.</p>
9	<p><b>Street Lighting</b></p> <p>The Council's Street Lighting Team have confirmed that the relocation of the street lighting columns as identified on the proposed plans is acceptable, however they would prefer that the Council's contractors carry out the works which would be undertaken at the applicant's expense. An informative is attached for the applicant to make direct arrangements with the Council's Street Lighting Team.</p>

### **Refusal reason**

## WESTERN AREA PLANNING COMMITTEE - 15 DECEMBER 2021 - MINUTES

If the legal agreement is not completed by the by 15<sup>th</sup> March 2022 (or such other date to be agreed in writing by the Service Director – Development and Regulation in consultation with the Chairman of the Western Area Planning Committee), to **DELEGATE** to the Service Director, Development and Regulation to **REFUSE PLANNING PERMISSION**, or to extend the period for completion if it is considered expedient to do so.

### **S106 Planning Obligation Refusal Reason**

The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation.

The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:

(a) Affordable housing provision in accordance with Policy CS6, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.

### **(3) Application No. and Parish: 20/01336/OUTMAJ, Institute For Animal Health, High Street, Compton**

99. Due to time constraints, the Committee was unable to consider Agenda Item 4(3) concerning Planning Application 20/01336/OUTMAJ in respect of the Institute for Animal Health, High Street, Compton. It was agreed that the item should be deferred and considered at the next meeting of the Committee.

*(The meeting commenced at 6.30 pm and closed at 10.25 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, 12 JANUARY 2022**

**Councillors Present:** Dennis Benneyworth (Chairman), Phil Barnett, Jeff Cant, Carolyne Culver, James Cole (Substitute - in place of Clive Hooker), Andy Moore (Substitute - in place of Adrian Abbs), Claire Rowles, Martha Vickers (Substitute - in place of Tony Vickers), and Howard Woollaston.

**Also Present:** Paul Goddard (Team Leader - Highways Development Control), Lydia Mather (Senior Planning Officer), Sharon Armour (Senior Solicitor), Simon Till (Principal Planning Officer), Vicki Yull (Principal Democratic Services Officer), and Jack Karimi (Democratic Services Officer).

**Apologies for inability to attend the meeting:** Councillors Adrian Abbs, Clive Hooker and Tony Vickers (Vice-Chairman).

**PART I**

**32. Minutes**

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

**33. Declarations of Interest**

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

Councillor Carolyne Culver declared a personal interest in Agenda Item 4(1). As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

**34. Schedule of Planning Applications**

**(1) Application No. and Parish: 20/01336/OUTMAJ, Institute for Animal Health, High Street, Compton**

*(Councillor Carolyne Culver declared a personal interest in Agenda Item 4(1) by virtue of the fact that it was situated within her Ward and she is a resident of neighbouring East Ilsley. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter).*

*The Chairman wished to thank the officers involved for making the extraordinary site visit possible.*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01336/OUTMAJ in respect of the Institute for Animal Health, High Street, Compton. Approval was sought for a hybrid application: 1) Outline planning permission (all matters reserved with the exception of access), for development comprising of up to 160 residential units (Class C3), the provision of landscaping, construction of access and street lighting, car and cycle parking, other associated

## **WESTERN AREA PLANNING COMMITTEE - 12 JANUARY 2022 - MINUTES**

infrastructure, sustainable drainage systems, engineering works and mitigation measures including the construction of internal roads. The proposal included at least 1.75 hectares of employment land (Class B1) associated with the retention of the Intervet building and a playing field (Class D2) associated with the retention of the existing Cricket Pitch. 2) Full planning permission for the demolition of existing buildings, structures and hardstanding along with preparatory works including earthworks, remediation, utility works and associated mitigation measures. The change of use of land including the creation of public open space and wildlife area.

2. Ms Lydia Mather, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – Development and Regulation be authorised to grant planning permission subject to conditions and the completion of a S106 legal agreement.
3. The Chairman asked Mr Paul Goddard, Team Leader – Highways Development Control, if he had any observations relating to the application. Mr Goddard made the following points:
  - There was an existing access on to the High Street which was acceptable with regards to width, geometry and sightlines. Although some further detail regarding sightlines was required, it was considered achievable and was being secured by condition.
  - There were other accesses on to Churn Road that served existing commercial premises, some of which would be retained within the proposal. The accesses to Churn Road would act as emergency access as the site is a cul-de-sac.
  - Pedestrian routes from and across the site / the public rights of way were acceptable to the Council.
  - The site had an existing use and it was suspected that consented uses on the site had a higher level of traffic generation than this proposal. However, Transport Assessment assessed the proposal as if there was nothing there. The area was surveyed extensively at numerous junctions, and it was also modelled using traffic modelling software. No junctions were found to have capacity issues, including the junction on to the A34 at East Ilsley (which had resulted in no objections from Highways England). The traffic modelling was on the basis of a much larger scheme (250 dwellings) but the size of the scheme had now been reduced.
  - There would be (as covered in the S106 header terms) some offsite highway works and pedestrian improvements at crossing points so they could walk from the site to the existing network. There would be a £5k contribution to the Council to monitor the travel plan which was required for a residential development of this size.
  - In conclusion, Highways Officers had no objection to the proposal.
4. In accordance with the Council's Constitution: Fred Quartermain (Agent), Councillor Alison Strong, Councillor Rebecca Pinfold and Councillor Ian Tong from Compton Parish Council; Andrew Sharp from East Ilsley Parish Council (the adjoining Parish Council); Simon Alcock (on behalf of an Objector Claire Alcock); and Mike Harris (Homes England), Richard Green (AECOM (Masterplan Director)), and Jim Strike (AECOM (Planning Consultant)) as the Applicant / Agents, addressed the Committee on this application.

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

## **WESTERN AREA PLANNING COMMITTEE - 12 JANUARY 2022 - MINUTES**

5. Mr Fred Quartermain, an Agent representing Compton Parish Council, in addressing the Committee raised the following points:
- Compton Parish Council had maintained an objection to this scheme throughout its development as it believed it was the wrong development for this site.
  - The site was an allocated site for 140 units but this application significantly exceeded that figure. The magnitude of this difference changed the impact of the proposed development on the existing community in a fundamental way.
  - The Parish Council and residents had engaged with the planning system in good faith. The site was allocated for an appropriate size of development and the Parish Council had prepared a Neighbourhood Development Plan which had passed examination and was going for referendum. These proposals rode roughshod over that work.
  - The Parish Council had recognised that the site was ideal for a development of the right size, and the statutory development plan set it at 140 units. Larger developments should only be allowed if they can demonstrate no harm. There had been no demonstration here.
  - 140 units must be considered to be the level of development which strikes the right balance between viability and balanced growth. Even with 140 units the development presented a challenge regarding integration with the existing community. At the size proposed those challenges were unsurmountable.
  - This was the textbook definition of unbalanced growth whereby units were shoehorned on to a site with no thought as to the character and function of the existing village.
  - The proposed development saw the demolition of existing facilities. These were no longer viable because the site was closed, not that they were not being used. The facilities were highly valued but were being dismissed as unviable. They were purpose built and could be reinstated.
  - The history of the site as a scientific facility which routinely dealt with infectious diseases and livestock. The result of this planning history was that there was a high probability of significant contamination issues which were broadly dismissed in the officer's report as being dealt with by condition, whilst a normal suite of brownfield land conditions were proposed as if the site was any other industrial site with an industrial history.
  - The Parish Council were clear that the conditions proposed in relation to contamination do not go far enough. They needed to be strengthened to provide further safeguards for existing residents and for the benefit of future occupiers.
  - The Parish Council had also highlighted issues around traffic and access to the site. The conclusion that traffic, and particularly construction traffic, could safely mix with the existing traffic in Compton, particularly school traffic (which clogged the roads on any morning), was far removed from the lived reality of residents.
  - The surveys that informed this position were over four years old and emphasised the flinty nature of the conclusions that had been drawn on them. There was a clear traffic risk here.

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

6. Councillor Culver asked for expansion on the number of houses proposed not meeting the allocation in the local plan, how the development would not sit well with the current nature of the village, why the contamination was different to the usual kind of brownfield industrial sites, and any difference in road safety issues between people driving to and from the site when it was a business as opposed to potential resident usage. Mr Quartermain explained that the allocation for the site was 140

## WESTERN AREA PLANNING COMMITTEE - 12 JANUARY 2022 - MINUTES

units and had been assessed through the adoption of the Local Plan as the appropriate size of development for the site. The details of the housing mix were reserve matters at this stage, but the allocation policy was clear at setting a limit of 140 unless an applicant can demonstrate that there was no risk of creating a segregated community separate to the existing village. There had been no publically available documents submitted along with the application which demonstrated that 160 units was an appropriate scale. Councillor Alison Strong highlighted that the site had been the Institute for Animal Health from the 1930s onwards, undertaking research in to infectious diseases in animals, and she had personally witnessed levels of contamination coming in to the village from the site which has had to be remediated. Residents were aware that there had been considerable levels of infectious-type materials disposed of on-site prior to rigorous and robust legal regulations around such materials having been introduced, and there were significant levels of concern around that. Councillor Rebecca Pinfold highlighted that there were also radioactive materials used on site. Councillor Strong explained that the village had grown around the Institute as most jobs there had come with a house. As such, it would be unlikely that the number of vehicles from new residents would be the same as former employees as most had walked from their properties in to work. The secondary school in Compton also serviced a number of neighbouring villages and so there was a high level of traffic around drop off / pick-up times in all entrances / exits of the village. There was also other industry within Compton which had traffic and so there would be a heavy impact on the village roads from this development.

7. Councillor Barnett asked what purposes the Parish Council felt the existing facilities on the site could be used for. Mr Quartermain noted that the facilities that exist on the site were purpose built as community facilities that could cover a range of uses. The suggestion that the gatehouse could be kept and turned in to a community facility when the existing facilities were lost is a lowering in the quality of the facilities that were available, and a missed opportunity to enhance facilities that were there already.
8. Councillor Barnett asked for further clarity on what had been meant by radioactive contamination on the site. Councillor Pinfold referred to a report which she believed highlighted where there were radioactive materials buried in pots on the site, but local knowledge indicated that this might not accurately reflect exactly what was there.
9. Councillor Woollaston queried what the community facilities were on the site before they were closed. Councillor Strong confirmed that there had been a social club and bar, the pavilion for the former cricket pitch, a nursey, a hostel and a squash court. Councillor Pinfold explained that the Parish Council would like to retain the nursery as the current pre-school is at its limits, and the social club which could provide changing rooms and toilet facilities should the cricket pitch be reinstated.
10. Councillor Moore referred to the housing density and queried why the Parish Council felt that 140 units would be suitable but not 160. Mr Quartermain mentioned how the Council had gone to great lengths to adopt policies which set allocations for sites and which were appropriate for the size and scale of development that can be supported on sites. The allocation for this site was for 140 units unless it could be demonstrated that more could be accommodated without causing damage to the community. The number of 140 was carried forward in to the Neighbourhood Plan, and an application for 160 was a significant increase on 140 with no justification for that increase. At a high level principle point of view there was a clear allocation that says 140 units was the maximum that can be supported unless it was demonstrated otherwise. The onus was put upon the developer to demonstrate and the developer simply had not done that.



## **WESTERN AREA PLANNING COMMITTEE - 12 JANUARY 2022 - MINUTES**

11. Councillor Cole expressed his surprise that the Parish Council accepted the construction traffic for 140 units but not the traffic generated from an extra 20 units. Mr Quartermain expressed his belief that both this particular branch of the objection and the contamination objection are objections that go to the strength of the conditions being imposed, rather than the principle of the development. The objections which attacked the principle of the development relate to the allocation on the site and the way the site is being used, and the missed opportunity in relation for community facilities.
12. Councillor Cole queried whether there was an issue with local children accessing the site and the potential radioactive material and other contamination. Councillor Strong confirmed that it had not been brought to the Parish Council's attention that children had been on the site, and it was used for military and police shooting training.
13. Councillor Cole questioned if school traffic would eventually develop over time to come from within the site. Councillor Strong reiterated the Parish Council's concerns around traffic exiting the site and exiting the village for work purposes at a similar time as high levels of traffic entered the village for schools and work. As such it wished to see conditions around the timings of construction and demolition traffic to mitigate the significant impact on the village.

### **Objector Representation**

14. Mr Simon Alcock (on behalf of Mrs Sarah Alcock), in addressing the Committee, raised the following points:
  - His support for site redevelopment, but his concerns over the waste water management and its impact on the village.
  - How, in the past four years, he had personally suffered a number of flooding issues, including sewage re-entering his house, due to the high groundwater levels and inadequate drainage infrastructure within the village. Extra demand would exacerbate these issues.
  - His concerns about the location and ongoing maintenance of the proposed sustainable drainage systems (SuDS) at the south of the site, one of which would immediately border his property, and its higher elevation than many nearby houses.
  - In the plans the SuDS are to be lined to prevent water infiltrating into surrounding grounds, and potentially the ground is contaminated with biological, chemical and possibly even radioactive materials. He had concerns that the SuDS linings would likely degrade over time and questioned who would be responsible, for example, to regularly inspect and maintain the SuDS to ensure they were not damaged or potentially flooding nearby houses with contamination.

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

15. Councillor Culver invited Mr Alcock to elaborate on the flooding he had experienced. Mr Alcock explained that he had purchased his new build property three years previously and had experienced at least three floods where the sewage pipes had been blocked because of struggles within the capacity. Thames Water and the developers had attended on multiple occasions to clean out all the drains.

### **Adjoining Parish Council Representation**

16. Mr Andrew Sharp, the Vice-Chair of East Ilsley Parish Council, in addressing the Committee raised the following points:
  - East Ilsley Parish Council lay two miles to the northwest of Compton, and was accessed via the Ilsley Road.

## **WESTERN AREA PLANNING COMMITTEE - 12 JANUARY 2022 - MINUTES**

- The secondary school in Compton served as the secondary school for the majority of children in East Ilsley, and the Compton Village Store was the only frequently used store within many miles for grocery items.
- The 6a bus travelled between the two villages four times a day, and the two villages enjoy a close alliance on many issues.
- East Ilsley Parish Council continued to strongly object to the proposed development.
- Preliminary site assessment work had identified various sources of contamination which presented a moderate to high risk on the site. It was highly likely that any contaminated items that were collected prior to building work starting would be transported via East Ilsley as the main route to the A34, potentially depositing contaminated items as they passed through.
- The Parish Council supported the requirement for a full and detailed remediation strategy including long term monitoring and maintenance, and requested that in the event of any planning permission being granted this strategy was fully implemented and carefully monitored.
- The principle of a residential development on the site was deemed broadly acceptable up to the level set out in the allocation. Despite a reduction in the number of units from 250 to 160, the additional dwellings proposed over the allocation was not acceptable, and no robust and valid justification of the increase had been provided. The resultant harm that would arise from the additional dwellings and the unspecified employment provision was not outweighed by the need, and was therefore not justified.
- The proposed mix of housing on the site paid little regard to local needs identified in the Compton Neighbourhood Plan.
- In the Area Development Plan, policy 5 of the core strategy which dealt with settlements in the AONB states that a limited level of development will be accommodated to meet local needs, including employment, housing, amenity and community facilities, to maintain the area as vibrant, balanced communities with their own sense of identity. East Ilsley considered that the balance needed to be struck between the potential of the site for development on the basis that it comprises brownfield land and the fact that any proposal respects the location of the site, as well as being compatible with the presiding character of the surrounding village.
- Whilst the application asserted that the proposals will have a negligible impact on the highway network, the Parish Council was particularly concerned about the localised impact of any increase in traffic on the network in East Ilsley and the resultant highway safety.
- The route from the A34 to Compton is through East Ilsley which has a one way system and houses in close proximity to the road. There are few pavements, elderly residents and a primary school. Up to 280 HGVs could pass through during the demolition and build, and 160 houses could attract at least two cars per household, which was a further 320 vehicles in the area.
- This presented huge concerns for the environment and the biodiversity of the area headed out of the village towards Compton. Only one vehicle can pass through a narrow pinch point, which presented queues at peak times already. The scale of additional housing would heavily impact on an already congested area.
- The main route through East Ilsley lay within a conservation area, with many houses and buildings being of significant historical importance. Due to the proximity of the buildings to the road, there was limited (if any) opportunity for road widening or the addition of pavements to mitigate the situation. Some of the buildings were regularly struck with coach mirrors for example as they go through.

## **WESTERN AREA PLANNING COMMITTEE - 12 JANUARY 2022 - MINUTES**

- The proposed development, even at a reduced numbers of units, would generate increased traffic potential for congestion and conflict between pedestrians and vehicles. Contrary to the design objective policy CS14, traffic conditions were considerably worse when there were problems on the A34, which all comes through East Ilsley. Whilst this was not a matter of proposed development to address, it must be acknowledged that any proposals would result in additional traffic and would exacerbate the congestion.
- In addition, when traffic was using East Ilsley, especially in the more confined locations, there were increased levels of air pollution from vehicle fumes, and poor air quality. The safety of the local environment for increased traffic and the potential for conflict between vehicles and pedestrian would not result in a safe environment.
- The Parish Council objected on the grounds the proposed development failed to take account of the wider impact that would arise as well as the impact upon the character and the period of the conservation area.

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

17. Councillor Barnett referred to the estimated number of construction vehicles that would come along the road towards East Ilsley, and asked if there were any employees when the site was operational that had come from the A34. Mr Sharp confirmed that he had seen little or no decrease in the traffic since the Institute had closed, which fitted in with the view that the majority of people who worked at the Institute lived in Compton.
18. Councillor Rowles referred to the neighbouring farms in the surrounding areas and queried whether they have an impact on the levels of traffic, particularly larger vehicles going through these villages. Mr Sharp confirmed that there were issues with the pinch point going through East Ilsley, and you could only get one big vehicle through at a time. The farm vehicles already caused problems before you added the construction traffic, as well as 320 cars of new residents.

### **Applicant / Agent Representation**

19. Mr Mike Harris (Homes England) in addressing the Committee raised the following points:
  - That design quality is important to officers and the local community, and Homes England was committed to achieving this through the sale and monitoring of the development should permission be granted.
  - How when Homes England sells sites to development partners, their bids were scored on their design quality and against their reserved matters layouts that they proposed. They were required to meet the governments building for healthy life standards and to adhere to an external assessment that demonstrated how much can be achieved out of a site. Reserved matters layout that they proposed would also be required to go through external design review with Design South East. Finally, before a reserved matters application is submitted, it is signed off by Homes England so that they can ensure that the design quality and sustainability quality is met.
  - In relation to future homes, Homes England placed requirements on bidders to demonstrate how they will meet that in order to highlight their sustainability credentials.
  - In terms of future engagement, if permission was granted Homes England would seek to build and maintain a positive dialogue with the Parish Council recognising

## **WESTERN AREA PLANNING COMMITTEE - 12 JANUARY 2022 - MINUTES**

the challenges over the last year or so, and want to engage and ensure that they were brought into the design work and were updated on the demolition works.

20. Mr Richard Green (AECOM (Masterplan Director)) in addressing the Committee raised the following points:
- That a scheme had been developed for Compton that they believed was fully responsive to the village and linked to the delivery of new homes and future employment opportunities.
  - The proposals were generated in response to an extensive consultation with planning officers, the local community and with statutory consultees (from which zero statutory objections had been received).
  - The proposals were responsive to various planning documents, including the Development plan as a whole and the Compton Neighbourhood Plan. The Policy requirement was for approximately 140 homes and the application was up to 160 homes, an increase of 14% which was not seen as excessive.
  - Material had also been provided to confirm that the 160 dwellings would not result in harm which was being reinforced by the Planning Officer.
  - It was believed that the scheme for the site would result in long term positive benefits for the village with the release of brownfield land and the removal of redundant buildings.
  - A detailed site investigation had been undertaken which had informed the scheme itself, and had informed the remediation strategy that would be undertaken. The proposal was to fully remediate the site.
  - The scheme resulted in a net increase of green infrastructure. Part of the site would remain undeveloped and the associated biodiversity net gain increase would be approximately 85.5%.
  - Overall the scheme was responsive to Compton as a place. It removed hard boundaries and improved connections to and within the scheme for existing and local residents and new residents to enjoy the site.

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

21. Councillor Culver welcomed the net gain in biodiversity but sought assurance for the local community regarding the radioactive waste and other contaminants on the site. Mr Green emphasised that no development would be beneficial if it did not deal with any contamination on site. The site investigation had not been undertaken underneath existing buildings yet as this was part of the next stages. Homes England would retain an overarching view of the scheme and how the site was to be cleaned up which any developer would want reassurance on as well. There were both commercial and practical measures in place to ensure that the site would be cleaned up to a point where it was suitable for residential development. Mr Harris added that Homes England had taken on responsibility for the site and had made a commitment to ensure it was cleaned up prior to any redevelopment. They were supported by competent, internationally renowned consultancies through project management and detailed assessment work. Other statutory agencies such as the Environment Agency also had to be satisfied that they can surrender the environmental permit that Homes England holds on the site.
22. Councillor Rowles referred to the gatehouse being proposed as a community asset and questioned whether that replaced the facilities that had been lost on site, and what proposals there were, if any, for the reinstatement of the cricket pitch and pavilion. Mr Harris confirmed that the cricket ground was identified in local policies as the local green space, and in the referendum version of the Neighbourhood Plan. It had been understood from the outset that it needed to be retained, but the detail of

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how that would be secured would be discussed after planning had been granted, particularly given the very poor state of repair that the pavilion was in. Further discussions would also be required on the use of the gatehouse as a potential asset for the community. The previous facilities on site closed at the point at which the Institute closed and so had not been available for a number of years, though it was recognised they performed an important role in the community at that time.

23. The Chairman referred to the aspiration within the Neighbourhood Development Plan for the retention of a number of buildings, and questioned whether the hostel is viable within the wider project. Mr Harris advised that the hostel buildings were not suitable for modern living and not designed as individual properties. Their condition and the requirement to bring them up to current standards, as well as aspirations for net zero, meant they were not feasible or viable.
24. Councillor Vickers expressed her disappointment that the hostel building could not be retained and used for another purpose if it was not suitable for accommodation. Mr Green confirmed that none of the work done on illustrative layouts for the scheme allowed for the integration of the hostel because it simply did not work.
25. Councillor Woollaston queried why 160 units had been chosen rather than 140 units given the difficulties it was presenting. Mr Harris reiterated his belief that the site would accommodate 160 in master planning and landscape impact terms. The government was committed to the reuse of brownfield land, and Homes England was sensitively using the site by making best use of previously developed land to provide some affordable housing.
26. Councillor Cant expressed his concerns regarding how the foul water and water supply infrastructure would deal with an additional 160 dwellings without exacerbating existing flooding concerns, and the potential impact on the community of a protracted development delayed by infrastructure development. Mr Harris referred to the consultation response from Thames Water which had not objected subject to imposition of the condition requiring the infrastructure improvements to be put in place. Therefore, until Homes England and / or the developer was able to meet and discharge that condition then development would not take place. Mr Green described how Thames Water could not assess a detailed scheme because a detailed layout had not been provided to them. It was therefore normal for them to put a condition in place that would be developed through the reserved matters process. The detail would be resolved through the construction management plan and then through the contractor who would have to resolve and respond to the reserved matters issues.
27. Councillor Barnett queried if the proposed 18 month time period for the demolition and decontamination of the site was overly conservative. Mr Harris advised that Arcadia had been engaged and had worked up a detailed specification for demolition in the mediation programme. Their initial view based on their professional judgement was around 18 to 24 months. A procurement exercise was also currently being undertaken and large, experienced contractors had provided their views on what the likely programme would be, hence why 18 months was expected.
28. Councillor Cole, as Heritage Champion for West Berkshire Council, expressed his disappointment that the hostel buildings would be demolished, and asked if clarity could be provided as to why. Mr Green confirmed there were a number of aspects involved such as contamination, removal of the ground floor slab, making sure the site was fully cleaned up, the layout of the site as a whole, and the viability of how a comprehensive development should take place which had led to the conclusion that the hostel and other similar buildings on the site could not be retained. A detailed site

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assessment had been undertaken early on in the scheme which looked at retention as a potential solution, but that had concluded the site needed to be fully remediated in order to bring it to a point where comprehensive development could take place.

29. Councillor Cole asked what the plans were for the long term maintenance of the green areas and trees on the site. Mr Harris advised that ultimately this was for the reserve matters application but that he would expect planning officers to seek to secure a maintenance and management regime through that process. Homes England also placed importance on design, stewardship and the long term creation of place, and so would not sign off for submission if they were not satisfied with the developer proposals which added another layer of protection.

### **Ward Member Representation**

30. Councillor Carolyn Culver, in addressing the Committee, raised the following points:
- There were around 330 objections to this planning application, including from local villages, the significance of which needed to be appreciated.
  - The village currently had 624 homes. An addition of 160 represented a 25% increase in its size.
  - The positive things that had been mentioned so far including the retention of the cricket pitch, the Green Zone at the top of the site, and the employment zone.
  - That the retention of the hostel could improve the housing mix on site with its potential to be used to create one and two bedroom properties.
  - That the application did not meet the need for one bedroom homes outlined in the Strategic Housing Market Assessment of 2016 or in the Council's Housing Strategy for 2020 to 2036.
  - The Strategic Housing Market Assessment identified that 48% of affordable homes in West Berkshire should be 1 bedroom on a brownfield site like this (with 30% affordable housing). This should result in 23 affordable one bedroom homes on this site but there were none proposed in the application.
  - The Homes England representative had mentioned that one of their objectives was to provide more affordable housing on behalf of the government, but this proposal was not meeting what the Council had outlined in its plans and strategies.
  - According to the same Housing Assessment, 9% of market homes should be 1 bedroom. This would equate to ten market 1 bedroom homes on the site and there were none.
  - According to the Housing Strategy only 20-25% of all market homes, and 5-10% of affordable homes needed to be 4 bedroom or above, whereas this application had 35%.
  - How COVID had demonstrated the need to have extended families staying in the same area to help alleviate the pressures on adult social care and the shortage of carers. Smaller homes would enable young adults to remain in their local area and allow older residents to downsize.
  - The traffic difficulties that would be experienced in the area from an 18 month demolition programme prior to construction beginning. Councillor Culver suggested that a condition could be added stating that demolition and construction vehicles should not be moving during school hours.
  - Resident concerns regarding contamination on the site with the current uncertainty as to what is buried where.
  - The Environment Agency had concerns about pollution of groundwater and Councillor Culver suggested that the conditions could be strengthened with regards to that.

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

31. Members did not have any questions of clarification.

### **Member Questions to Officers**

32. Councillor Moore referred to the use of the word 'approximately' in terms of the allocation and queried what officers believed that meant in terms of plus or minus figures. Mrs Mather clarified that, through the planning policy work when the site was allocated, the housing number was identified primarily due to landscape and AONB considerations. It did not give a maximum, it gave an approximate, and it did not give guidance on whether that was plus or minus 10%. Mrs Mather believed this was to allow for proposals to come forward that could then be assessed in terms of their impact on the character of the village and the AONB. The application started off at 250 and included housing in Area A to the north, and in consultation with the landscape consultant it had reached the point where it was felt that 160 units could be accommodated within the site given the size of the site within the parameters. The number had been accepted from a planning point of view in terms of its impact, alongside the highways impacts mentioned earlier. The figure being approximate did not set a maximum in terms of the reference from Compton Parish Council. Their Policy C2 stated that the housing number should remain approximately 140 and that any additional development beyond that should be justified. The justification it set out was in terms of landscape / scenic beauty impacts on the AONB.
33. Councillor Rowles queried why the application was being considered prior to the referendum on the Compton Neighbourhood Plan, why the transport assessment from June 2017 was being referenced and not a more up-to-date assessment, and how the impact on the wider highways area was assessed. Mr Goddard confirmed that extensive surveys were undertaken at all junctions going as far as Aldworth, Hampstead Norris and East Ilsley. The traffic surveys all took place in June 2017 and represented more accurate data than any gathered during or since COVID. Mr Goddard referred to Condition 19 in the report that detailed the construction management plan and the dictation of routes and times of deliveries to help mitigate any harm at pinch points. Mrs Mather advised that the initial statutory target date for this application was September 2021 and at that point in time, until relatively recently, the Compton Neighbourhood Development Plan carried limited weight because it had been progressing alongside the application. It carried full weight once adopted following a referendum. Officers had been assessing the scheme against the Neighbourhood Plan but the weight had changed as the application progressed. Officers were unable to assume at any stage that it would be progressed, agreed or adopted. This item had also been scheduled for consideration by this Committee at its meeting on 15 December but had been deferred. The Neighbourhood Development Plan had been fully taken into account in terms of where it was now and the weight that it carried, and officers had made a full and reasonable assessment against those policies.
34. Councillor Culver asked for clarification on why the employment area was not referenced in the conditions, whether it would be protected in perpetuity until such time as an application came forward requesting a change of use, and how zero carbon was going to be achieved. Mr Till explained that the requirement in terms of the conditions was for delivery of a zero carbon energy source site in line with policy CS15 and the terms of the legal agreement were a separate thing. However, in order to comply with the conditions of a planning permission that was granted for this, it would need to meet the requirements of CS15 rather than anything set out in the legal agreement. The requirements of the conditions would effectively supersede that

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aspect of the legal agreement. In terms of delivery, this was an outline planning permission in respect of the actual developed area itself that was being sought. Mr Till advised that those details would need to come forward with a strategy appropriately in discharge of the condition and requiring compliance with policy CS15. There was also details in terms of design and layout, which might crucially affect the ability of the development to comply, that are reserved matters in this particular case. Mrs Mather advised that the proposed employment area would be effectively a change of use of lands, but as it did not have development it was controlled by the permission in terms of the commencement of change of use. It was included in the terms of the demolition and removal of hardstanding so that it was ready to be developed. There are phasing plans, reserved matters and so on that that would need to be applied for on different parts of the site. Mrs Mather confirmed that it would be controlled and would need a change of use if a planning application or proposal came forward for an alternative use.

35. Councillor Cole queried if it was possible to condition the idea of district heating to be considered under future reserve matters given the suitability of the site for this approach. Mrs Mather advised that it depended on how it would be provided as to whether it might need permission in its own right. The view taken by officers had been that the condition for zero carbon would effectively include measures in line with the principles of sustainable heating, and electricity generation on site could be dealt with by that condition. Mr Till confirmed that it could be something to be included in an informative for exploration through a statement to be submitted with reserve matters.
36. Councillor Cole asked if the recommendation would have been to refuse the application (on the basis of it being 160 instead of 140 units) if the Compton Neighbourhood Plan had already gone to referendum. Mrs Mather confirmed that officers would not be recommending refusal if the Neighbourhood Plan carried full weight. It had carried considerable weight, and not much less than full weight in its current form. The Neighbourhood Plan also mentioned 'approximately 140' and for any additional to be demonstrated through landscape impact assessments and assessments in order to be considered acceptable. The Parish Council opinion was that it had not been justified whereas officers were of the view that those matters had been considered and found acceptable.
37. Councillor Barnett queried what would be recommended in relation to the travelling times of demolition / construction traffic accessing the site. Mr Goddard confirmed that school opening / closing times would be ascertained to avoid HGV movements half an hour on both sides of that. This was standard practise with developments relatively close to schools.
38. The Chairman asked for further information on the clean-up of any contamination on the site. Mrs Mather advised that the conditions recommended on land contamination had been based on the conditions provided by the Environment Agency and Environmental Health as specialists in considering those matters. There had been a site investigation submitted and fully considered by those officers and planning officers who were content that the wording covered eventualities and was detailed regardless of the extent and seriousness of the contamination.
39. The Chairman queried who would be responsible for waste water management and how any potential future degradation of the facilities over time would be managed. Mrs Mather confirmed that the conditions and the planning obligation matters for the open space and landscape management, and the management of SuDS, allowed for transfer to management companies, to the District Council, or to the Parish Council.



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There were triggers in there for the land transfer and the management of those features.

40. Councillor Rowles asked for further clarity on the requirements under the Council's policies for one bedroom properties. Mrs Mather advised that the housing mix was a reserved matter as part of the layout and what was presented was indicative based on the illustrative master plan. It mentioned in the report that it did not fully comply with the Strategic Housing Management Assessment but officers would be looking for an alteration for that at reserve matters. The point of the illustrative layout was to show that you could get a housing mix and that number of houses within the parameter plans. There were also limits on heights to ensure that there would be some single story dwellings provided.
41. Councillor Moore queried whether changing the housing mix on the site to include more one bedroom properties would make the difference from 140 to 160 less controversial. Mrs Mather confirmed that this would come down to reserve matters as layout, scale and housing mix would alter how the development worked on the site. However it would still need to comply with policies and still need to go through a similar process in terms of the impact on landscape and so on.
42. Councillor Culver queried if it would be acceptable to condition a pedestrian crossing on the High Street, bearing in mind the increased number of people that would be trying to cross the road. Mr Goddard advised that there were some pedestrian improvements requested as part of the Section 106 terms. The details had yet to be determined at this stage so it was unknown if it was a signalised pedestrian crossing.

### **Debate**

43. Councillor Culver opened the debate by indicating she would not support the application as it did not meet Policy CS4. Councillor Culver highlighted that the hostel could be refurbished which would be more carbon friendly than demolition and rebuilding, and the need for more one bedroom properties as set out in the Council's housing strategies and assessment which could be provided by converting the hostel building. Councillor Culver referred to the local need for facilities on the site that had been previously open but were now closed, and stated that the gatehouse being provided as a community asset would not replace those facilities adequately given its size and unsafe proximity to the entry / exit point for the site. Councillor Culver also referred to the contamination report and highlighted where one sample had been taken from the animal remains in the sheep pen and in situ testing identified it contained above background levels of radiation. It was being recommended that the material was sorted on site in the presence of a radiological protection supervisor and disposed of off-site by being buried at depth. Councillor Culver argued that this issue should have been dealt with before thinking whether this was an appropriate place to build homes.
44. Councillor Cant referred to the in-depth and complex report provided on the site and the impact any development would have on the local community whilst construction was under way. Councillor Cant then mentioned the ethos of Homes England which was thorough and almost over cautious in ensuring brownfield sites were thoroughly cleansed before construction commenced. He had been reassured by the observations of the Homes England representative and indicated his support for the application.
45. Councillor Barnett stated that whilst he welcomed the use of a redundant site he would be saddened to see substantial and well-built buildings demolished which could possibly have been put to some other use. Councillor Barnett also expressed

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his concern over the issue of radioactive materials buried in unknown areas on the site, what that would involve in relation to underground seepage in to water courses, and the time required to decontaminate and remediate the site. Councillor Barnett questioned if the existing amenities in the village such as the school and Doctors Surgery could accommodate the additional residents and concluded that more vehicles would travel in and out of the area. Councillor Barnett agreed with the regeneration of the site but thought it was being done in the wrong way, and therefore would not be supporting the application.

46. Councillor Rowles agreed with the principle that the site needed something done to it but had concerns around the length of the clean-up and the impact that would have on the local community over a potentially long period of time. Councillor Rowles expressed disappointment that the community seemed to lose significant assets, as well as the demolition of perfectly good buildings, and highlighted that community assets could be invaluable in integrating new residents in to the local community. The gatehouse suggested as a replacement appeared to be a fairly limited building which to her mind did not replace the extent and value of the previous facilities. Councillor Rowles also expressed concerns that Compton Parish Council had gone to great lengths to develop its Neighbourhood Development Plan (which had been commended by Council) and she believed that the application should not have been heard before the Plan had come to fruition as it appeared to be dismissive of the Plan.
47. Councillor Cole referred to the benefit to the village from the removal of the contamination but expressed disappointment about the demolition of existing buildings to fit in with the overall picture of the site.
48. Councillor Woollaston referred to the fact that this was an outline application only and not a detailed application. The applicant was responsible and government-backed, and the existing buildings needed to be demolished. Councillor Woollaston suggested that an informative could be added on the consent to look at more one bedroom properties and additional community use. Councillor Woollaston proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, with an amendment to the heads of terms for the S106 Agreement to reflect the zero carbon condition. Councillor Cant seconded the proposal.
49. Councillor Moore agreed that at some point the site would need to be remediated, cleared and developed but he questioned if this proposal was right in terms of the development and timing, particularly given the upcoming referendum on the Compton Neighbourhood Plan, and suggested that this should be considered in a few months' time.
50. Councillor Vickers referred to the potential for providing community facilities on the site and understood the number of objections from local people and the Parish Councils which could not be ignored. Councillor Vickers agreed with the suggestion to postpone decision on the application until after the referendum to show respect for the work that had been put into it. Councillor Vickers referred to the concerns raised regarding contamination but highlighted that the report, in other matters, stated that no development would go ahead until plans had been brought forward as to how the contamination would be dealt with which provided protection.
51. Councillor Culver requested additional conditions be added regarding testing for water contamination and adopting the suggestions made by Mr. Goddard with reference to the number of vehicles during school hours. Councillor Woollaston

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confirmed his agreement for these to be added to his proposal and Councillor Cant indicated his support as seconder.

52. Councillor Cole referred to other informatives discussed during debate and asked if they were being added for decision. Mr Till advised that the informatives he had captured in debate that may be proposed were: exploration of community use on site; further exploration of the housing mix to provide more one bedroom properties; an exploration of the provision of district heating, and; to amend the contaminated land condition 18 to include groundwater testing. Councillor Woollaston confirmed his agreement for these to be added to his proposal and Councillor Cant indicated his support as seconder.
53. Mr Till reiterated an earlier point that while the referendum had not been held on the Neighbourhood Development Plan, officers had given it essentially an almost equivalent level of weight in terms of decision-making and he was therefore satisfied that the recommendation officers had made would not be altered in terms of the adoption or otherwise of the Neighbourhood Development Plan at this stage.
54. Councillor Rowles queried what the informatives meant in terms of conditions, and whether it meant that they would be explored or discussed and if it provided comfort that the community would secure some further assets. Mr Till confirmed in those terms an informative is a direction to the applicant. So in this particular case looking at an outline permission it would be a direction to the applicant regarding documentation that they should submit with the reserve matters. It would be looking at the expiration of those matters within the reserve matters application with the applicants demonstrating how they have explored potential further delivery on community use. Mr Till also highlighted that at this point it was not a foregone conclusion that Members would approve any reserve matters application if they were not satisfied with the proposals that were put forward as part of it.
55. Councillor Rowles emphasised the perception to the public and the timing around this application and the referendum, and acknowledged that whilst the Plan had been taken in to consideration it was important to show the weight put upon them.
56. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Cant, to grant planning permission. At the vote the motion was rejected by four votes in support and five against.
57. Councillor Culver proposed to reject the Officer's recommendation and refuse planning permission. This was seconded by Councillor Barnett. The reasons for refusal put forward by Councillor Culver was that it contravened Policy CS4 and that the site should be decontaminated before future use was discussed.
58. Mr Till had reservations about the reason offered in respect of CS4 and housing mix as Officers had advised that the housing mix was something that would be held over to the reserve matters application. He expressed concerns that CS4 would not hold weight as a refusal reason for this application because it would be a refusal reason addressing the wrong part of the planning application process. Mr Till invited Councillor Culver to expand on the contaminated land reason for refusal.
59. Councillor Culver reiterated her belief that the site should not be developed until the contamination issue had been dealt with. Councillor Culver was unclear how similar situations had been dealt with elsewhere in the country, but the evidence demonstrated significant known contamination as well as whatever would be found once work began.
60. Mr Till advised that the National Planning Policy Framework directed the use of appropriate conditions for addressing issues within planning applications. In this

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particular case, recommended condition 18 stated that no phase of the development hereby granted outline planning permission, demolition or groundworks associated with the change of use, would take place until a scheme to deal with the contamination at the site had been submitted and approved in writing by the local planning authority. It stated that shall include an investigation and risk assessment, and it further stated at point B that it would include a remediation scheme which ensured that after remediation, as a minimum, the land shall not be capable of being determined as contaminated, and a contaminated land under part 11A of the Environmental Protection Act 1990. Mr Till expressed concern that this condition sought to fully address the decontamination of the site and all outputs from that decontamination prior to development works commencing.

61. Councillor Culver then referred to the existing Local Plan which stated there should only be 140 homes on the site, and expressed concerns of over-development of the site.
62. Mr Till confirmed the Supplementary Planning Documents allocating the site, and the emerging Compton Neighbourhood Development Plan, both stated that the site should provide approximately 140 houses and the proposal on the table was for 160 houses. He invited Members to consider and specify any particular concerns as to why 160 houses would not be acceptable in this particular case, for example landscaping impact or additional impact on highways whereby an uplift in housing could result in harm.
63. Councillor Culver referred to the impact additional vehicles would have on Compton and East Ilsley as well as demolition and construction traffic, and stated her opinion that it was not appropriate for a development that increased the size of the village by 25% to have demolition and construction traffic passing through small, one lane, blind bends. Councillor Culver also raised the impact the development would have on infrastructure such as the Doctors Surgery, the primary school and the secondary school which would not support a 25% increase.
64. Mrs Mather advised that the infrastructure matters mentioned were covered by the Community Infrastructure Levy.
65. Councillor Moore expressed sympathy for the residents of Compton and East Ilsley for the demolition movement which would have to happen to clear the site, but felt that the difference in construction traffic between 140 and 160 homes would be minimal.
66. Councillor Cole set out how he believed the Neighbourhood Development Plan had been ignored by officers, and no justification had been provided for 160 units rather than 140. Councillor Cole also suggested a further reason for refusal could be highways reasons relating to traffic in the longer term from residents of the site. Councillor Culver amended her proposal to remove construction traffic as a reason for refusal and replaced it with long term residential traffic. Councillor Barnett as seconder supported the amendment.
67. Mr Till clarified the reasons for refusal he had noted which were that the proposed development would be contrary to the Supplementary Planning Document and Neighbourhood Development Plan in respect of the number of dwellings proposed. This would result in additional impacts on infrastructure, in particular disruption due to increased amounts of long term residential traffic resulting in harm to residential amenity and highway safety. Also, that the proposed works would not address contamination at a suitable point in relation to development, and that the proposed housing mix would be contrary to the requirements of Policy CS4.

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68. The Chairman invited Members of the Committee to vote on the proposal by Councillor Culver, seconded by Councillor Barnett to refuse planning permission. At the vote the motion was tied with four votes for, four votes against and one abstention. The Chairman used his casting vote and the proposal was rejected.
69. Councillor Woollaston proposed that consideration of the application be deferred until after the Compton Neighbourhood Development Plan had had its referendum. This was seconded by Councillor Moore.
70. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Moore, to defer consideration of this application. At the vote the motion was carried with six votes for, two against and one abstention.

**RESOLVED** that consideration of Planning Application 20/01336/OUTMAJ in respect of the Institute for Animal Health, High Street, Compton be deferred until such time as the outcome of the referendum on the Compton Neighbourhood Plan be known and subsequently, if agreed, its adoption had been implemented.

### **Continuation of meeting**

71. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's Motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(2).

(The meeting was adjourned at 9.41pm and reconvened at 9.47pm).

### **(2) Application No. and Parish: 21/01911/FULD Land Adjoining, 11 Pond Close, Newbury**

*(Councillors Phil Barnett and Andy Moore declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were members of the Planning and Highways Committee on Newbury Town Council which had considered this application. As their interests were personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter).*

72. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/01911/FULD in respect of Land Adjoining 11 Pond Close, Newbury. Approval had been sought for the removal of derelict garages and the erection of two houses and two flats, together with associated landscaping and parking, and had been refused by this Committee at its meeting on 3 November 2021 for (1) Highway safety and general amenity, and (2) zero carbon development reasons.
73. Following advice from planning policy and an accompanying legal counsel's opinion regarding the correct interpretation of Policy CS15 under the current policy context, the Committee was being invited to consider whether a fresh resolution would be required in respect of the zero carbon development reason for refusal. It was not proposed to re-open the debate regarding the Highway safety and general amenity reason for refusal.
74. Mr Simon Till, Principal Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. Mr Till highlighted the concerns regarding the second reason for refusal, in that it was based on a misinterpretation of planning policy in terms of seeking zero carbon energy on a minor development. Mr Till explained in more detail the advice received since the 3 November 2021 meeting which, in summary, was showing there is no policy basis on which the Council could lawfully require residential development to come forward on a zero carbon basis, and that the

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requirements of policy for zero carbon energy only applies to major residential development.

75. In light of the above, the Planning Officer's recommendation was for a refusal on the basis of the first reason for refusal only (highway safety and general amenity), and the omission of the second reason (zero carbon development).
76. The Chairman asked Mr Paul Goddard, Team Leader - Highways Development Control, if he had any observations relating to the application. Mr Goddard referred to the concerns he expressed at the meeting on 3 November 2021 which had included: (1) That parking on the site for residents had been lost some years ago when the land was sold, and the Council does not have any policies to protect parking facilities like that from what is a private land transaction; (2) That highway reasons had not been a consideration when refusing the previous, much larger planning applications for this site; (3) The proposal complies with the Council's parking standards, and; (4) The difficulties with access being cited as a reason for refusal given the proposed improvement works to Pond Close as part of the development. Mr Goddard reiterated his previously expressed concern should highways considerations be the only reason for refusal for this application.
77. In accordance with the Council's Constitution Mr Nigel Foot from Newbury Town Council addressed the Committee on this application.

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

78. Mr Nigel Foot from Newbury Town Council in addressing the Committee raised the following points:
  - The application had been considered by Newbury Town Council's Planning and Highways Committee which had objected to it on the grounds of over development of the site, the parking issues, and concerns about the limitation of emergency vehicle access to this road.
  - With the proposed development, it was felt that there would be extra cars from both residents and visitors, and this would exacerbate the current difficulties in accessing that road (emergency vehicles have not been able to go down that road because of the number of existing cars parked).

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

79. Members did not have any questions of clarification.

### **Member Questions to Officers**

80. Members did not have any questions of clarification.

### **Debate**

81. Councillor Martha Vickers opened the debate by proposing to accept the Officer's recommendation to refuse planning permission for the Highway safety and general amenity reasons agreed by this Committee at its meeting on 3 November 2021, and omitting the second reason given at that time for refusal. This was seconded by Councillor James Cole.
82. Councillor Barnett expressed his reservations that any improvements to access at Pond Close would address the pinch points and the access leading off Elizabeth Avenue, which would remain as a major issue.
83. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Cole to refuse planning permission. At the vote the Motion was carried by six votes for, two against, and one abstention.

## WESTERN AREA PLANNING COMMITTEE - 12 JANUARY 2022 - MINUTES

**RESOLVED** that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

**Reasons:** Pond Close is a narrow residential road serving a number of properties. Parking is tightly constrained in the vicinity of the application site, a situation that has been compounded by the historic loss of private residential parking on the location of the application site and limited alternative parking provision, resulting in the need for residents to utilise on street parking for their vehicles. The proposed works would result in an increased demand for parking, with the size of rooms in the proposed flats resulting in potential multiple occupation, overdeveloping the site and increasing the demand for parking associated with the development beyond the number of parking spaces provided, and the reduction in on street parking reducing the general amenity of existing residential occupants of Pond Close, detracting from the quality of life of existing residents and compounding existing access problems for residents' vehicles and emergency vehicles, endangering highway safety. The proposed works would therefore be contrary to the requirements of Policy P1 of the West Berkshire Local Plan Housing Site Allocations DPD (2017) which specifies that there may be exceptional circumstances where there is a case for providing parking that does not accord with the levels set out in the policy, and notes in its supporting text that levels of parking provision and the way in which they are designed are important factors in creating good quality environments. The proposed works would fail to meet the requirements of Policy CS14 of the West Berkshire Local Plan Core Strategy 2012, which requires development to make good provision for access by all transport modes and to make a positive contribution to the quality of life in West Berkshire. Furthermore, the proposed works would fail to take account of local circumstances contrary to paragraph 9 of the National Planning Policy Framework and would result in the loss of valued facilities for parking for existing residents, contrary to the requirements of paragraph 93 of the National Planning Policy Framework.

*(The meeting commenced at 6.30 pm and closed at 10.00 pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/02245/FUL Great Shefford	26 <sup>th</sup> November 2020 <sup>1</sup>	Farm Shop in association with The Great Shefford Public House  Swan Inn, Newbury Road, Great Shefford, Hungerford, RG17 7DS  J and G (Pub) (UK) Ltd
<sup>1</sup> Extension of time agreed with applicant until 3 <sup>rd</sup> September 2021			

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02245/FUL>

**Recommendation Summary:** Approval

**Ward Member(s):** Councillor Clive Hooker

**Reason for Committee Determination:** 10 or more objections

**Committee Site Visit:** 10<sup>th</sup> March 2022

## Contact Officer Details

**Name:** Sian Cutts

**Job Title:** Senior Planning Officer

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## 1. Introduction

- 1.1 This application seeks planning permission for the erection of a farm shop on land within the car park of the Swan Inn public house, now known as The Great Shefford.
- 1.2 The Swan Inn, which will be referred to in this report as The Great Shefford is a grade II listed building dating back to the early 19<sup>th</sup> Century, originally built as a house, it has been in operation as a public house since 1847. The building is of a traditional gabled form, constructed of brick with a slate roof. It was extended in the mid-20<sup>th</sup> Century with a single storey 3 bay garage to the south-east end. The land to the front of the building is used as a carpark, and there is a beer garden to the south-east of the building. The building is in a prominent location on the junction of Newbury Road, and Wantage Road within Great Shefford, which is a Service Village. The River Lambourn flows along the northern boundary of the site, and there is pasture land to the east of the site. The site is also within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB)
- 1.3 This application is seeking to erect a farm shop within the car park of the public house, in association with the operation of The Great Shefford. The proposed building is 16 metres long x 3 metres deep and is to be raised above the ground level to enable a floodable void. The ridge height of the building is 4.6 metres. A slate roof, and timber clad elevations on a brick plinth are proposed as the finishing materials. Amended plans were received in November and December 2021, with amended doors, and a site plan showing additional planting between the shop building and the drainage ditch along the south-eastern boundary. The planning statement submitted with the application indicates that the shop would be open 6 days a week, the application form has specified 7 day opening.

## 2. Planning History

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

Application	Proposal	Decision / Date
75/03539/ADD	Erection of 3 bungalows	Refused 07/01/1976.  Appeal Dismissed 27/09/1976
89/33923/ADD	Extension to car park	Approved 17/02/1989
91/40132/ADD	Erection of bus shelter.	Approved 05/12/1991
97/50255/FUL	Extension and alterations to form new cold room- enlarge kitchen- toilet refurbishment- new cellar.	Approved 25/09/1997

97/50254/LBC	Extension to create new cold room- alterations to enlarge kitchen- refurbish toilets- extend barn and new cellar area.	Approved 25/09/1997
11/01213/LBC2	Minor interior alterations: removal of existing lobby entrance, reinstating an original opening and alter and adapting existing bar.	Approved 16/09/2011
11/01806/ADV	Renewal of existing signage to public house, maintaining existing locations.	No Decision Taken 06/11/2017
13/02534/LBC2	Retention of illuminated and non illuminated signs to the exterior of the building	Approved 05/12/2013.
13/02535/ADV	Retrospective - erection of illuminated and non-illuminated signs to the exterior of the building.	Approved 05/12/2013
19/02647/LBC2	Refurbishment: Internally painting and decorating, new flooring. Externally new paint.	Approved 22/04/2020
19/02648/ADV	1 x painted, 2 x timber non illuminated signage.	Approved 22/04/2020
19/02646/FUL	Refurbishment: Internally painting and decorating, new flooring. Externally new paint.	Approved 22/04/2020
20/01047/LBC2	Proposed timber addition to provide an additional food service kiosk to the garden. Standalone timber kiosk in the car park for breakfast kitchen/servery.	Refused 13/07/2020.
20/01065/FUL	Proposed timber addition to provide an additional food service kiosk to the garden. Standalone timber kiosk in the car park for breakfast kitchen/servery.	Refused 13/07/2020.
20/02008/FUL	Proposed erection of a series of 150mm x 150mm box section metal posts to support six canopy panels of varying dimensions.	Approved 23/11/2020
21/00383/CERTP	Erection of a free standing kiosk for use as a servery	Refused  09/04/2021

### 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 The application was advertised by means of a site notice displayed on 16th October 2020 on the site; the deadline for representations expired on 6th November 2020. A public notice was displayed in the Newbury Weekly News on 8th October 2020; the deadline for representations expired on 22nd November 2020. Following the receipt of amended plans, a further site notice was erected on 25<sup>th</sup> March 2021 on the site; the deadline for further representations expired on 15<sup>th</sup> April 2021, and following the submission of a further set of amended plans, a site notice was posted on 14<sup>th</sup> December, with the deadline for further representations expiring on 7<sup>th</sup> January 2022.
- 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).
- 3.4 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>Great Shefford Parish Council:</b>	<p>1<sup>st</sup> Response: Object for the following reasons:</p> <p>Parking and general traffic issues – the car park is already full, and could worsen when social distancing end, the farm shop will exacerbate this, and there have been ongoing traffic and road safety issues</p> <p>Flood Risk Assessment: No assessment has been submitted, and this is an area in a high risk of surface water flooding, the site has experienced flood at least 3 times, the building would block the remaining exit from the car park for surface water</p> <p>Village Shop &amp; Post Office: Another shop may make the village shop unviable which would threaten the Post Office, which is a service that the village does not want to lose like in East Garston.</p> <p>2<sup>nd</sup> Response after amended plans: Maintain objection on the parking and general traffic issues and the potential threat to the village shop and Post Office.</p> <p>3<sup>rd</sup> Response after amended plans: Nothing has changed since the previous representation sent on 6/11/2021, other than the submission of a Flood Risk Assessment.</p> <p>There are still great concerns of traffic issues, with the parking around the village that the busy pub already generates. The end result still shows that a minimum of four car park spaces from the</p>
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	<p>pubs car park will be lost due to the Farm shop building itself regardless of the opening times of the proposed shop, this is not acceptable, it adds more problems to the current traffic issues.</p> <p>The threat to the closure of the village shop and post office still remains as a major concern.</p>
<b>East Garston Parish Council:</b>	<p>Concern about the competition for the village shop/Post Office and garage/shop which would affect East Garston residents, particularly the loss of a Post Office.</p> <p>Concerned about lorry access and limited parking for shop and pub customers</p>
<b>WBC Highways:</b>	<p>1<sup>st</sup> Response: The farm shop would result in the loss of 1 parking space, and customers would share the car park with the pub, there would be 24 retained parking spaces. Do not anticipate the pub customers using many of the spaces during the weekday afternoons, as well as shop customers, it will be busier early weekday evenings and weekends, if both operations are open at the same time, as parking could overspill to the highway including A338. To support the proposal, suggest farm shop openings from 07:00 to 18:00 hours, and on weekends from 07:00 to 12:00 hours.</p> <p>2<sup>nd</sup> Response: Content with amended plans, reiterate the previously indicated opening times, otherwise an objection will be raised on car parking grounds.</p> <p>Final Response: Have viewed the amended plans and letters from the public. Maintain the view that the farm shop should not be open when the pub is at its busiest, with Bank Holidays being the same as weekends, otherwise recommend refusal on lack of parking.</p> <p>Have viewed the car park over the years from planning history and aerial views. The parking has been in place since 11/01213/LBC2. There is currently space for 27 cars including areas not marked for parking, with this being reduced to 26 by the proposal. The loss of one space is not sufficient to warrant refusal. The car parking layout is mainly existing and have no objection to it.</p> <p>The Public House would be closed or less busy during suggested hours, and not all 9 staff would be present at once, as maximum of 6 could be. Whilst there are no standards for public house, for food retail the Council's standard is 1 space per 30 sqm, and so suggest 2 spaces, so if the shop is open when the pub is closed or less busy then it is difficult to warrant refusal off the application. Cycle stands should be provided for staff and customers, which can be a condition.</p> <p>Whilst parking may overflow into adjacent streets this is an existing situation, and the aim is not to worsen it, have not seen</p>

	<p>evidence of the car park being full or busy during a weekday prior to the evening.</p> <p>Deliveries would be from Light Goods Vehicles rather than larger HGVs, given the size of the proposal and local produce sold it is unlikely that deliveries would be made by vehicles larger than what already serves the Public house.</p> <p>The A338 has a number of bends in the vicinity which is a concern to some people. My view is that such bends assist in reducing vehicle speeds through the village. Evidence for this is that up to December 2020, according to 'Crashmap', there have been no Personal Injury Accidents in the vicinity since 2005. The LHA would wish to maintain this, but I am not convinced that this proposal will result in a highway safety issue. The level of traffic would not have a severe impact on the highway network as paragraph 109 NPPF advises as grounds for refusal. Most of the traffic would be passing anyway, and so additional traffic would be limited. The Planning Statement sets out that the farm shop and public house are expected to generate linked trips, they are located in the centre of the village in walking distance of residents.</p> <p>No Objection subject to conditions, with regards to Construction Method Statement, provision of parking spaces, and cycle storage.</p>
<b>Environmental Health:</b>	<p>1<sup>st</sup> response: Noise queries over plant for the chiller units and deliveries</p> <p>2<sup>nd</sup> response: No comments</p>
<b>Lead Local Flood Authority:</b>	<p>1<sup>st</sup> Response: Object as no Flood Risk Assessment has been submitted. The site is shown to be affected by Surface Water Flood Flow and Groundwater flooding (1 in 30 year event and in the 2014 recorded event). The FRA should address this.</p> <p>A drainage strategy is required to show how surface water will be managed, and SuDS measures will be required. If discharge to the ordinary watercourse is proposed the LLFA would not consider discharge rates at greater than 1 in 1 year greenfield rates.</p> <p>An ordinary watercourse consent would be required in relation to discharge to the adjacent watercourse, or an Environmental Permit from the EA in relation to discharge to the river.</p> <p>Further detail are required are required showing the relationship between the new building and the watercourse to gauge the impact on it.</p> <p>The red line boundary includes a thin strip of land adjacent to the R. Lambourn which is functional flood plain, this could be an objection, but a slight change in the red line would overcome that.</p>

	<p>2<sup>nd</sup> Response: The FRA has been assessed, no account has been taken of displaced flood water from surface water flooding, and no mitigation for it, this should have been addressed.</p> <p>However taking a pragmatic view, since most of the surface water flood flow originates from outside of the site and the loss of potential flood storage volume due to the building footprint will be very small compared to the potential volume arriving from outside the site, the effect on the surrounding area will be negligible with the pub itself likely to be most at risk. Hydraulic modelling could be undertaken to calculate the adverse effect if the applicant wished, however the LLFA does not insist on this being undertaken, and the applicant can decide on the best course of action.</p>
<b>Conservation:</b>	<p>1<sup>st</sup> response: The proposed building would stand along much of the eastern boundary, and at 4.6m high, would present a hard edge to the site, blocking views of the surrounding countryside. This would reduce the positive contribution the verdant character of the adjoining open land makes to the listed building's setting, thereby causing less than substantial harm to its significance. Whilst effort has gone into designing a building which echoes traditional details and materials, I feel that this is somewhat negated by the large, full height glazed entrance doors. These doors would present an overly modern feature in an otherwise traditional setting. Furthermore, the glare and reflections they would produce would have a negative impact on the setting of the listed building and the rural character of the village. Acknowledges the public benefit on enabling the pub to diversify its income, however this could be achieved in a more sensitive manner, by reducing the size of the building, allowing views through to the countryside and beyond, and replacing the large modern glazed bi-fold doors with a more traditional barn-like opening. The statement refers to the removal of the unsightly storage area, there is no record of planning consent for this area.</p> <p>2<sup>nd</sup> Response: No amendments to the design have been received and so recommend refusal.</p> <p>The proposed building would stand along much of the eastern boundary, and at 4.6m high, would present a hard edge to the site, blocking views of the surrounding countryside from the listed building, and obscuring views of the listed building from the A338 when travelling into Great Shefford. This would not only reduce the positive contribution the verdant character of the adjoining open land makes to the listed building's setting, but it would also obscure important views of the listed building when travelling into Great Shefford along the A338, thereby causing harm to its significance. Although the harm is less than substantial it is real and serious harm which should be given considerable importance, the application states that the farm shop is necessary to provide a supplemental income to support the pub to remain viable, however no evidence of this need has been submitted.</p>

	<p>3<sup>rd</sup> Response: The amendments have been considered but apart from moving the building slightly closer to the road, and adding a ramped entrance with handrails, I can't see anything that would overcome my original concerns. Maintain the recommendation to refuse, and repeated the reasons stated above.</p> <p>Following receipt of additional information with regards to historic development:</p> <p>It would have been helpful to have had this information in the Heritage Statement. It is clear that in the late 19<sup>th</sup> Century a single storey pitched roof outbuilding originally stood at right angles to the main Inn, directly to the south east. The building appears to have been for stabling.</p> <p>Given the fact that a similar outbuilding was located directly to the south-east of the Inn (albeit with a lightly steeper pitched clay tiled roof, rather than slate as stated) I would have to withdraw my original objection as there is a clear historical precedent for such development in the curtilage of the Inn. I remain concerned about the full height glazing on the front elevation, and note the proposal to install louvres to wooden shutters, further details are required.</p> <p>Response to amended plans: I welcome the replacement of the fully glazed doors with timber doors (with vertical planks). Recommend conditions</p>
<b>AONB Board:</b>	No response received
<b>Archaeology</b>	The Swan Inn is a grade II listed building, however building in the car park will not have a major impact on any significant below ground archaeology.
<b>Environment Agency:</b>	<p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> <li>• on or within 8 metres of a main river</li> <li>• on or within 8 metres of a flood defence structure or culverted main river</li> <li>• on or within 16 metres of a sea defence</li> <li>• involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert</li> <li>• in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission.</li> </ul> <p>The applicant is advised to consult with the Environment Agency about this at the earliest opportunity, and to discuss whether any other consents will be required.</p>



## ***Public representations***

- 4.2 Representations have been received from 64 contributors, 36 of which support, and 28 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:
- 4.4 Objections
- Impact on the viability of the village shop and petrol station
  - Impact on the viability of the Post Office and the wider impact of that on the community and local businesses, potential loss of cash machine
  - Need for a farm shop is debated given there are two within 6 miles
  - Potential for price increases if the village shop closes
  - Existing issues with parking for the pub will be exacerbated
  - Highway safety issue given proximity to busy corner, and bus stop
  - Lack of spaces for people with disabilities
  - Changes will need to be made to the road to make it safe
  - More than one space will be lost
  - Conflict of pedestrians and drivers in the car park
  - The pub is also busy at times suggested by the Highways Officer when it is quiet such as weekday lunchtimes
  - Delivery lorries will need to park on the main road on a sharp bend
  - Question the number of jobs created, and other jobs could be lost
  - The design and siting will impact the character and appearance of the area
  - Impact on the listed building
  - Additional use of the car park will lead to an increase in activity, noise and disturbance at the site
  - The previous application on the site for the pub to expand was rejected, and this should be no different, this will have a greater impact
  - The building could become the takeaway that was refused, should be conditioned to prevent this
  - Rental of the unit to another party should be prevented
  - The site is in a flood risk area, the pub had to close in 2007 due to flooding
  - In the 2007 flood the site was clear of obstruction and still flooded, in the event of another flood other properties may be flooded, additional structures have now been added to the site
  - Adding additional footprint will form a barrier to surface water flooding on the site.
  - Biodiversity and geological considerations
  - The site is in an AONB, and adjacent to a SSSI
  - There are trees and hedges adjacent to the site
  - Insufficient space in the shop for social distancing
  - There are insufficient benefits to outweigh the harm
  - Environment Agency consent is required for works on or near a watercourse or floodplain
  - Pollution risk from butchery to the river
  - Farm shop opening times suggested by Highways are material changes to the proposed application, required additional advertising the farm shop should be limited to times when the pub cannot be open.
  - A noise impact assessment should be submitted
  - No evidence submitted that the shop is required to support the viability of the pub

- Lack of information about butchers waste storage, and inadequate facilities for refuse storage for existing pub and proposed shop, within health and visual impacts.
- Light pollution, impacting residential amenity and the AONB
- Unauthorised structures on the site, should not be used to justify the building
- The canopy application should be addressed in this proposal.
- Creating level access will result in the loss of additional parking spaces
- No staff toilet in the building
- No external lighting or adverts are included in the application
- There are no agreements in place to provide the locally sourced produce

#### 4.5 After the submission of the first set amended plans the following objections were received

- The ramped access does not comply with Building Regulations, and two additional parking spaces would be lost
- The proposal will fail to meet BREEAM Part L TGD requirements
- Insufficient parking spaces on the site plans, the spaces which have been added are those that were removed for additional outdoor seating, also spaces added from the removal of LPG tanks were previously used as parking, the complex takes up more than 1 parking space.
- Modern cars are larger, and with narrower aisles, many drivers of large vehicles struggle to park
- In the past when the roads were quieter overflow parking was on Newbury Road, it is now busier, concerns about impacting visibility
- How will holidays and bank holidays be addressed in the opening hours suggested by highways
- Reduced visibility from site entrance/exit
- Concern about pedestrian safety crossing the main road
- Concern about space for delivery vehicles
- Increase in vehicles will increase noise levels
- Existing supplies are delivered by HGVs not Light goods vehicles, new suppliers in light goods vehicles will be additional traffic
- Business plans has inconsistencies
- Three sets of proposed opening times
- This is an application for a Class A1/E(a) application, the development could be reimagined as any retail offering, and conditions cannot be imposed to enforce conditions of products, or staffing within a use class
- The shop could be used as the refused breakfast bar
- The amended site plans does not include the full site, and the red line is drawn through the middle of the pub
- Noise disturbance, not clear which set of opening hours have been responded to
- Impact on the listed building, and its setting, it will be a shed with no architectural merit
- No information of lighting or adverts
- No substantiated evidence of public benefit
- Impact on village shop and garage store
- Specialist butchery staff will have to come from outside the village
- The flood void will not stop the flooding of the pub itself due to surface water.

#### 4.6 Following the submission of the second set of amended plans the following objections were received

- There is still a question over the need for the farm shop and the affect this may have on the viability of the village shop and post office

- There is not sufficient parking, as a result of the success of the pub, the car park is often full and overflowing to surrounding streets, close to residential properties and the road junction
- The level of infrastructure does not support a development of this nature
- Concerned that the proposal does not include had washing facilities as required by the Food Standards Agency
- No disabled parking spaces have been provided
- Staff parking will take up spaces in the car park or on nearby roads
- Pedestrian will have to cross the road on a blind corner, it will be difficult for shoppers with bags; people with disabilities; parents with children
- The Farm shop is not required to assist the viability of the business, and provided a link to a Trade Magazine profile
- There were previously 33 parking spaces on the site, this should be the basis for consideration rather than the 27 that the Highways Officer has confirmed have been in use since 2011, or the 25 spaces claimed by the applicant. There will be a loss of 6 original spaces (5 discounting the space lost to the unauthorised bin store) rather than the 1 or 2 suggested by the applicant and agent.
- Additional overflow parking which has been used in the past such as the old disused garage forecourt as the Lewis Industrial Estate, as well as the surrounding roads becoming busier, which reduces the ability of surrounding streets to absorb safe and legal overspill parking.
- Lack of parking will affect the long term viability of the pub.
- Crashmap does not indicate all of the accidents that have occurred in the vicinity of the pub, other records should be checked
- Primary trips to the farm shop could be high, especially if it becomes a destination shop
- As the intensity of the use of the junction will be increased, a traffic design study should be required, and supporting information that the number of visitors will not put the business model at risk
- Changes to the opening times should not have been suggested by the highways Officer, and if changes were planned they should have been included in the re-consultations
- Welcome the acknowledgment that there is insufficient parking for the pub and shop to be open concurrently, dispute the assertions that the pub is only busy from early evening and at weekends, submitted photos of other times when overspill parking has occurred in the daytime, the only time when the pub is closed is from 9am – 11/11:30 am
- Environmental Health comments were made before the change in opening hours
- This building could be used as breakfast kiosk/general food kiosk, which was refused as there is no mechanism for monitoring goods sold, staff, or hours of operation, given the proposed Use Class. The covered terrace could be used., A further noise assessment should be undertaken
- The suppliers and staffing levels have not been substantiated
- Impact of noise from a range of sources should be assessed for the impact on residential amenity
- Documents have been removed from previous planning files
- Impact on a heritage asset, it will be an unsightly shed structure, and cannot provide space for displays, customer access, and meet structural and thermal design requirements
- Photographs of parking and google images of when the site are busy were supplied

#### 4.7 Support

- Will be a welcome asset to the village
- It is well designed and will not conflict with the work already done on the site
- It will support local businesses as an outlet
- Enable the community to purchase from local businesses and local produce
- Will bring fresh produce to people without their need to travel
- Will help to diversify the pub which is at the heart of the community, and protect the investment that has been made in it recently
- Supports local farmers
- Creates local jobs
- Will bring people into the village
- People will be able to shop locally rather than going to Newbury or Hungerford
- Will encourage passing trade to stop and shop
- It can co-exist with the existing shop, competition is good in business, the local shop sells alcohol
- A pub in East Garston has also set up a shop without objections
- Small rural businesses need help and support
- The operating hours proposed overcome potential parking issues as the pub is busier in the evenings
- The improvements to the Great Shefford recently have been a benefit and this a another step in the right direction
- It fits within the status of Great Shefford as a Service Village
- The car park is separated from the highway with clear space for ingress and egress, the bends in the A338 reduce the speed in the immediate vicinity.
- The comments made about delivery vehicles apply to the existing businesses in Great Shefford which park on the A338
- There is already a lot of traffic, it is not proven how much additional traffic the farm shop will bring
- The existing garage benefits from the amount of traffic passing though the village
- Work has been carried out to prevent a recurrence of the 2007 flood event, caused by surface water, and permission has been granted for residential development of the Lewis Industrial Estate opposite the site.
- The site is not in a flood plain, but the pub is, in 2014 the shop came close to flooding but not the pub.

#### 4.6 After the submission of the first set of amended plans the following supporting comments were received

- There is no evidence that the proposed farm shop would threaten the viability of the village shop and Post Office.
- There are other farm shops in the vicinity and these do not threaten the viability of the village shop
- The pub car park is barely used for most of the day, and that is when the shop will be used. The pub will continue to be busy at times irrespective of the shop and customers should be directed to quieter places to park. The village shop does not have parking and there is no suggestion if curtailing their opening hours.
- The A338 is already busy, the farm shop will not materially change the situation including opening at 7am.
- There is no change to the pub building itself, the NPPF and Public House SPG guidance should be balanced, it is a sympathetic addition to the site and provide a viable use of the plot
- The floodable void under the building addresses the flooding issues

- It will be an improvement to the existing village amenities, and lead to increase shopping choice
- Will support local farmers and provide local jobs
- The coronavirus pandemic has made it difficult for pub landlords to sustain their business models, and many have diversified their offerings and support this diversification.

## 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, ADPP5, CS5, CS10, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS5, OVS6, TRANS1 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 2019-24
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Public Houses (SPG)
- Cycle and Motorcycle Advice and Standards for New Development (2014)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Design, character and appearance
- Heritage
- Neighbouring amenity
- Highway safety
- Flood risk and drainage
- Sustainable building

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

6.2 The application site is situated within the settlement boundary of Great Shefford which is identified under policy ADPP1 as a Service Village where there is a more limited range of services and some limited development potential. The site is also within the North Wessex Downs AONB. Policy CS10 says that proposals to diversify the rural economy will be encouraged, particularly where they are located within or adjacent to Rural Service Centres or Service Villages. The policy goes on to say that 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. Policy SHOP5 states that the Council will encourage the provision of local shops within village

settlements and encourage the provision and retention of farm shops, provided they do not adversely affect the vitality of nearby village shops. The application has been submitted as a proposal to support the Great Shefford Public House, through the provision of an additional income stream generated from the site. The Public Houses SPG, says that partial redevelopment of a key facility of a public house will not be permitted if it is considered that it will prejudice the economic viability of the future operation of the public house. The guidance also goes on to say that the combination of services or activities such as shops within the existing public house use will be encouraged, and that in principle favourable consideration will be given to proposals which may help to support and diversify activities which serve the retention of the public house.

- 6.3 The documents submitted with the application refer to the shop being required as part of the investment within the public house, and to provide an additional income stream to assist in the future viability of The Great Shefford, and it is proposed to provide the shop as an outlet to local farms and producers. The proposal is seeking to add another income stream to diversify the offering of the public house, following the problems experienced within the hospitality sector caused by the Covid-19 pandemic. The documents submitted with the application have referred to local farm and suppliers of meat, fruit and vegetables, eggs and honey. The documents submitted with the application have referred to 9 jobs being provided within the shop itself, with the potential for more being provided within the supply chain, however this may be subject to decisions made by third parties, and cannot be relied upon in the assessment of this application. The diversification of existing businesses is supported by policy CS10, and the Public House SPG, in addition SHOP5 also promotes the provision of community shops, where they do not affect the viability of local shops. Paragraph 84 of the NPPF seeks the retention and development of accessible local services, which includes local shops and public houses. There have been a number of objections made raising concerns about the impact of the proposed farm shop on the village shop within Great Shefford which is also the Post Office. The planning system does not seek to prevent competition between businesses, and it has been suggested that the proposed shop will provide different goods to those sold within the village shop, thus adding to the provision of services within the village as supported by policy ADPP1, as well as encouraging the diversification of the exiting public house as supported by policy CS10. However the application also needs to be considered in accordance with the following matters.

### ***Design, Character and Appearance***

- 6.4 Policy ADPP5 acknowledges the national designation of the NWD AONB and says that new development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB, and that development will respond positively to the local context. Policy CS14 requires new development to demonstrate a high quality and sustainable design that respects and enhances the character and appearance of the area. The policy goes on to say that good design relates not only to the appearance of a development, but the way in which it functions, with the considerations of design and layout being informed by the wider context, not just having regard to the immediate area, but the wider locality. Policy CS19 says that in order to ensure the conservation and enhancement of the local distinctiveness of the landscape character, particular regard will be given to amongst other things, the sensitivity of the area to change, ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Paragraph 176 of the NPPF also says that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 6.5 The application is proposing the siting of a detached building along the south-eastern edge of the applicant site within the public house car park. The site is located within a

prominent location at the junction of Wantage Road and Newbury Road. The proposed shop would be sited adjacent to the open agricultural land which adjoins the site, and adjacent to the River Lambourn which flows along the north- east boundary of the site. This provides an open setting for the site, particularly in views from Newbury Road. The proposed building echoes traditional design being of timber construction with a slate roof. Whilst it has been designed to be of a low profile, it will be prominently sited to the front of the building, where the car park acts as a transition between the open countryside and the built up edge of the village. The proposed building has a ridge height of 4.6 metres, and the single storey element of The Great Shefford is approximately 4 metres to the ridge height. The amended plans have included the planting of a hedge between the building and the site boundary, to soften the appearance of the building. The Great Shefford is set within a verdant setting, and the views of this will be lost and replaced by the wall of the farm shop. This will enclose the site, and minimise the views of The Great Shefford, from the south-east as well as forming an enclosed edge to the village. There were initially concerns about the relationship between the site and the surrounding countryside and wider NWD AONB setting, however, the submission of historical photos showing an out-building at right angles to the public house, has shown the historical form of development, as discussed below, given the historical precedence, albeit that the building was close to the host building than the proposed shop, of a building at right angles to the public house. As a result of this historical pattern of development, the building at right angles to the public house, and within its curtilage is considered to be acceptable, particularly with the additional landscaping proposed to soften the edge of the development.

- 6.6 The amended plans have also proposed alterations to the shop entrance to reduce the amount of glazing, and give the building a more traditional rural appearance. The propose amendments, together with an enhanced planting scheme which will be secured through conditions, is considered to be appropriate to the edge of the village setting within the NWD AONB.

### **Heritage**

- 6.7 Policy CS19 also says that regard will be paid to the conservation and enhancement of heritage assets and their settings. The Great Shefford is a Grade II listed building, and as such is a designated heritage asset. It was originally built as house in the early 19<sup>th</sup> Century, and in use as a Public House since at least 1847. The fabric of the listed building will be unaffected by this proposal, due to the farm shop building being detached from it. However, the setting of the building, as referred to above also makes an important contribution to the significance of the building. The building is prominently located on the former historic Hungerford to Wantage Toll road, and can be seen from the junction with the Newbury Road. However historical mapping and photographic evidence has been submitted showing an outbuilding perpendicular to the Inn, and potentially another building parallel to the Inn along the boundary with Newbury Road, which would have enclosed the site. The Conservation Officer has reviewed this evidence, and given the historical precedence for development within the curtilage of the public house, has withdrawn the previous objections to the proposal, due to the impact on the setting of the listed building.
- 6.8 The building has been designed to echo the traditional materials, with a slate roof to match the roof of the public house, and the timber elevations, which are similar to an agricultural building. The Conservation Officer had objected to the originally proposed large, full height entrance doors, which were considered to present an overly modern feature within an otherwise traditional setting. In addition the glare and reflections from these windows would have had a negative impact on the setting of the listed building, as well as the rural character of the village. The amended plans, have replaced those doors, with wooden sliding doors with small windows in them. These have been

considered to be more appropriate to the setting of the listed building, and have overcome the previously stated objections from the Conservation Officer.

### **Neighbouring Amenity**

- 6.9 Policy CS14 requires that new development makes a positive contribution to the quality of life in West Berkshire. Policies OVS5 and OVS6 also refer to the need to minimise noise generated from new developments. The site is situated on the edge of the village with residential properties nearby, and objections have been raised about potential noise from the shop and delivery vehicles, and whether a noise assessment was required. The Environmental Health Officers were consulted on the application, and they sought additional information with regards to plant for the chiller units as well as deliveries. Further information was submitted which indicated that the chiller units would be fridges that do not require additional plant and would not result in external noise being generated, and that deliveries would be via light good vehicles, in small deliveries, with some overlap with the public house. The Environmental Health Officer was satisfied with these comments, and has not raised any further objections. Given the location of the site on the A338, and the opening hours being limited to the daytime, it is not considered that the proposal will harm the living conditions of nearby residential properties. To ensure that any changes to the building in the future are controlled a condition requiring the approval of any air handling plant, and cooking extraction systems can be added to a permission to ensure that the residential amenity is maintained in the future.
- 6.10 There were also concerns that the farm shop could be used as a hot food kiosk, or for the sale of hot food, which would extend the use of the beer garden during periods of time when the public house is closed. The planning application form described the proposal as a farm shop. This is a use falling within Class E of the Use Classes Regulations 2020, which also includes other uses such as a restaurant and café, but does not include a hot food takeaway. The application has been considered on the basis of a shop selling mainly cold food, honey, meat, and chilled products. Therefore in the interests of residential amenity it would be appropriate to limit the use of the building to a shop, and not to other potential uses within Class E.

### **Highway Safety**

- 6.11 Policy CS13 refers to development which has an impact on the highway network, and policy TRANS1 requires parking provision to meet the needs of new development. There have been a number of objections raised to the proposal on the grounds of lack of parking and concerns about road safety and the potential impacts on pedestrians. Photographs illustrating the overspill parking to the surrounding street, at times when there have been Covid restrictions, and at times when those restrictions have been eased have also been submitted. The Highways Officer has assessed the application, and considered the objections that have been raised. In addition a survey of the parking in the car park and street was undertaken on various dates in February 2022. The proposal will result in the loss of 1 parking space within the existing car park. The planning authority does not have parking standards for public houses, however 2 spaces according to the parking guidance would be required for the proposed shop. To ensure that the parking for the shop can be accommodated within the shared car park the Highways Officer has suggested a different set of opening hours to ensure that the farm shop is not open at the times when the public house is likely to be at its busiest. As such, opening hours of 07:00-18:00 on weekdays and from 07:00 to 12:00 on weekends and Bank Holidays are recommended. Whilst this is different to those proposed by the applicants, it ensures that the proposed farm shop can be open when the need for parking related to the public house is less. The applicant's agents have agreed to these reduced hours. Whilst the difficulties of overflow parking have been indicated in the public responses, this is an existing situation, and the loss of one parking space, from



the currently approved situation, is not sufficient to warrant refusal of the application, and the proposed opening hours avoiding the busiest times for the public house, seeks to avoid worsening the existing situation.

- 6.12 The results of the survey undertaken by Officers showed that there were surplus spaces in the car park at times when the shop would be open. Whilst there was some on-street parking, there was also surplus spaces within the car park. The submission from objectors which have shown overflowing parking onto the public highway on occasions throughout the year. However with all public houses there may be occasions when this occurs, but from the survey undertaken, it is suggested that this is only occasional, and there is no evidence to suggest otherwise to substantiate an objection to the proposal.
- 6.13 Paragraph 111 of the NPPF advises that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” It is anticipated that the deliveries to the site would be from individual supplies from light good vehicles, rather than larger Heavy Good Vehicles. Given the size of the shop it is not anticipated that vehicles any larger than those currently used to serve the existing public house would be used, and so this would not result in additional hazards to road users and pedestrians. There have been objections raised due to the existing situation on the A338 and the proximity to sharp bends. The Highways Officer had advised that these bends have the effect of assisting in reducing speeds within the village. In addition there have been no Personal Injury Accidents in the vicinity since 2005, and given the additional level of traffic, when many visits would be linked to visits to the public house, as well as the location in the village within walking distance of residents, it is concluded that the proposal would not result in a highway safety issue.

### **Flood Risk and Drainage**

- 6.14 Policy CS16 says that development will only be accepted in areas at risk of flooding, if it can be demonstrated that it is appropriate in that location, and that there are no suitable and available alternative sites at a lower flood risk. The site is within an area at risk of surface water flooding, and a Flood Risk Assessment was submitted in the course of the application. In addition the plans were amended to raise the level of the building to provide a flood void to accommodate displaced surface water. The Council's drainage engineers as the Local Lead Flood Authority (LLFA) have indicated that most of the surface flood water originates from outside the site, and given the footprint of the building, the effect of the building on flooding is negligible, and the public house itself is most likely at risk of flooding. However the flood void has been provided, and the LLFA are satisfied with the details submitted in the Flood Risk Assessment and have no further requirements of the applicants.
- 6.15 There were also objections raised about the proximity of the proposed shop to the drainage ditch on the boundary of the application site. Any water which is discharged into this ditch would require an Ordinary Watercourse Consent. The Environment Agency have commented that a separate Flood Risk Activity Permit from the Environment Agency will be required for works which are carried out within 8 metres of the top bank of a main river. The details submitted with the application have addressed the flood risk and drainage issues on the site, and the proposal is considered to accord with the requirements of policy CS16.

### **Sustainable Building**

- 6.16 Policy CS15 requires that non-residential development will meet the BREEAM Excellent standard. A pre-assessment report has not been submitted with the application. The applicant's agent has provided an explanation stating that due to the size and scale of the building, with a floor area of 48 square metres, it would be difficult for a building of

this size to obtain a pass standard, and it would not be economically viable to aim for an Excellent standard. In this instance given the size and scale of the building proposed, it would not be reasonable to recommend the application for refusal on the basis that the building cannot achieve a BREEAM Excellent standard.

### **Other Matters**

- 6.17 There were objections raised to the proposal as there are enforcement matters on the site, and unauthorised developments. There are on-going investigations into a fence along the western boundary, and a gazebo. These are matters which are being investigated separately to this planning application. Reference has been made to other activities and alleged works which have taken place more than 10 years ago. Whilst these works may remain unauthorised, the granting of this planning application does not have the effect of making any of the outstanding matters authorised development.
- 6.18 The objections have also raised concerns about whether the ramp access complies with the current building regulations for access for people with disabilities, and also whether the facilities in the building meet with the Food Standards Agency requirements. Both of these matters are dealt with under separate legislation, and so are not matters to be considered within this application.
- 6.19 The objections have made reference to the claims of the number of jobs and other claims within the application being substantiated, such as the need for the farm shop to assist with the viability of the application. A link to a trade magazine has been provided which refers to the success of the applicants business, and suggests that the farm shop is not necessary. However, policy CS10 says that proposals to diversify the rural economy will be encouraged and it supports small and medium sized enterprises within the rural area to provide job opportunities and maintain the vitality of village settlements. It would be contrary to this policy to refuse the application because the business appears to be successful, and not to allow further diversification.

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

- 7.1 This application is seeking the construction of a farm shop to provide an additional income stream for The Great Shefford public house, to diversify the business in the short term following the disruption caused by the Coronavirus pandemic, and in the medium to longer term as well. The site is situated within a Service Village, where policy ADPP1 supports limited amounts of development, and policy CS10 seeks to encourage small rural businesses, and policy SHOP5 encourages the provision of local shops. Whilst the application is proposing that the produce sold on the shop will be 80% sourced locally, this is difficult on a practical level to enforce through the use of conditions, and would not be necessary given that planning policy supports the provision of a shop in this location, and so the benefits to the wider community cannot be fully substantiated to other businesses. Neither has any information been provided to substantiate how the provision of the shop will support the ongoing viability of the business in the future. However, on balance it is considered, that the proposal will result in an economic benefit to the village. To ensure that the farm shop continues to assist the viability of the public house, it is necessary to impose a condition linking the operation of the farm shop to the public house, to ensure that a separate an unconnected business is not created which may affect the viability of the public house in the future.
- 7.2 The proposal will also meet a social objective through supporting the community through the support to the public house, and providing additional services through the provision of a shop aiming to sell local produce.

- 7.3 The Great Shefford is also a grade II listed building situated within the NWD AONB, and the amendments during the course of the application, together with the submission of information about the historical development of the site, have led to the conclusion that the proposal will not be harmful to the setting of the listed building, or the setting of the village within the NWD AONB. There are also proposed conditions, to limit the opening hours, to minimise the potential for overspill of the car park. The proposal is considered to meet the environmental objectives set out in the NPPF, and to accord with the relevant development plan policies and the advice given in the NPPF, and is recommended for approval.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director – Development and Regulation 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>Location Plan Drawing No P20-2236_01 received on 28<sup>th</sup> September 2020;  Proposed Floor Plans and Elevations Drawing No P2 308/0720/P.01 received on 30<sup>th</sup> November 2021;  Proposed Floor Plans and Elevations with Handrails Drawing No 308/0720/P.01 received on 6<sup>th</sup> December 2021;  Proposed Landscaping Scheme Drawing No 308/0720/P.02 received on 6<sup>th</sup> December 2021;  Proposed Site Plan Drawing No P20-2236-03 Rev B received on 3<sup>rd</sup> March 2020;  Flood Risk Assessment Prepared by Glanville Ref: 8200922/AQ/CS/002 dated 14<sup>th</sup> December 2020 and received on 16<sup>th</sup> December 2020;  Planning and Heritage Statement prepared by Pegasus Group dated September 2020 received on 28<sup>th</sup> September 2020; and  The Great Shefford Farm Shop Business Plan received on 3<sup>rd</sup> March 2020</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Permitted uses within Class E</b></p> <p>The development shall be used for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (Class E (a)) only and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p>

	<p>Reason: The site is situated within the curtilage of a public house where other Class E uses would not be appropriate in the interests of the amenity of nearby residents. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, and CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
4.	<p><b>Connected use with the Public House</b></p> <p>The shop hereby permitted shall only be used under the same management as the Public House within the same application site.</p> <p>Reason: The justification for granting the shop unit is to assist with the long term viability and the separation of the use may affect the viability of the public house use. This condition is applied in accordance with policy CS10, and the Public Houses Supplementary Planning Guidance (2000).</p>
5.	<p><b>Materials</b></p> <p>No above ground development shall take place until a schedule of all materials and finishes visible external to the building has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.</p> <p>Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the adjacent listed building. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
6.	<p><b>Eaves/fascia</b></p> <p>No works shall take place to the roof until full details of the eaves and fascia, at a minimum scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To protect the special architectural or historic interest of the adjacent listed building. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
7.	<p><b>Handrail</b></p> <p>The metal handrail to the ramp shall be painted black.</p> <p>Reason: To protect the special architectural or historic interest of the adjacent listed building. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
8.	<p><b>Soft landscaping (prior approval)</b></p> <p>The shop building shall not be occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft</p>

	<p>landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme 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>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
9.	<p><b>Customer opening hours</b></p> <p>The shop shall not be open to customers outside of the following hours:  Mondays to Fridays: 07:00 to 18:00  Saturdays, Sundays and public holidays: 07:00 to 12:00</p> <p>Reason: To ensure satisfactory levels of car parking in the interests of highway safety. This condition is applied 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>
10.	<p><b>Construction Method Statement</b></p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> <li>(a) A site set-up plan during the works;</li> <li>(b) Parking of vehicles of site operatives and visitors;</li> <li>(c) Loading and unloading of plant and materials;</li> <li>(d) Storage of plant and materials used in constructing the development;</li> <li>(e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;</li> <li>(f) Wheel washing facilities;</li> <li>(g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</li> <li>(h) A scheme for recycling/disposing of waste resulting from demolition and construction 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 applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
11.	<p><b>Parking in accordance with approved plans</b></p> <p>The shop shall not be brought into use until vehicle parking and turning spaces have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.</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 applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
12.	<p><b>Cycle parking/storage (pre-commencement prior approval)</b></p> <p>No development shall take place until details of cycle parking/storage have been submitted to and approved in writing by the Local Planning Authority. The shop shall not be first occupied until cycle parking/storage facilities have been provided in accordance with the approved details. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014). A pre-commencement condition is necessary because the cycle parking/storage arrangement will need to be determined before any construction to ensure it can be accommodated within the space available.</p>
13.	<p><b>External Cooling Units</b></p> <p>No external chilling equipment or air handling plant shall be installed on the building hereby permitted until details of the unit(s) to be installed, including the number and location of such plant and the acoustic specification of the plant, including details of any measures necessary to mitigate the effects of the noise have been submitted to and approved by the local planning authority in writing. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To protect the residential amenity of the area and to minimise potential noise disturbance. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

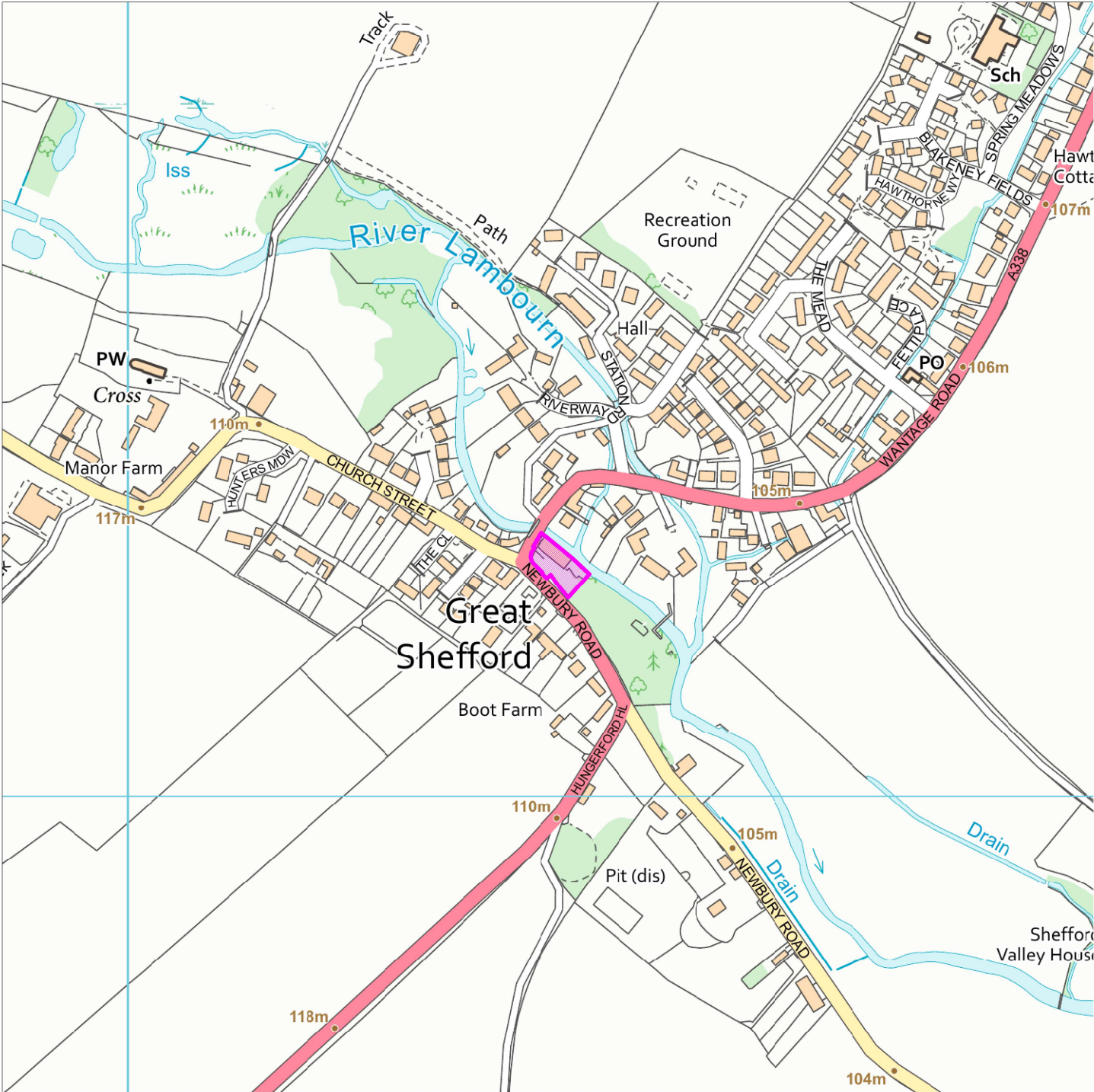
### **Informatives**

1.	<p><b>Proactive</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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>Environment Agency Consents</b></p> <p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained from the Environment Agency for any activities which will take place:</p> <ul style="list-style-type: none"> <li>o on or within 8 metres of a main river</li> <li>o on or within 8 metres of a flood defence structure or culverted main river</li> </ul>

	<ul style="list-style-type: none"> <li>o on or within 16 metres of a sea defence</li> <li>o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert</li> <li>o in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission</li> </ul> <p>For further guidance please visit <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing <a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a>.</p> <p>The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and The Environment Agency advise consultation with them at the earliest opportunity.</p> <p>The applicant should contact 03708 506 506 or consult the Environment Agency website to establish if consent will be required for the works they are proposing. Please see <a href="http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx">http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx</a></p> <p>This includes any proposal to undertake work in, over, under, or within 8 metres of the top of the bank of a designated Main River, called a Flood Risk Activity permit.</p>
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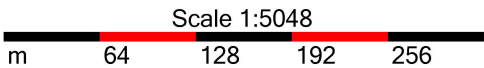


Map Centre Coordinates :

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	02 March 2022
SLA Number	0100024151

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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	21/02668/FUL Lambourn	15/12/2021 <sup>1</sup>		Demolition of existing kennel facilities and erection of Class B8 commercial building  Hunt Kennels Farm, Ermin Street, Lambourn Woodlands, RG17 7TT  John Lock
<sup>1</sup> Extension of time agreed with applicant until 6th September 2021				

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/02668/FUL>

**Recommendation Summary:** Grant planning permission

**Ward Members:** Councillor Howard Woollaston

**Reason for Committee Determination:** More than 10 objections received

**Committee Site Visit:** 17<sup>th</sup> February 2022

## Contact Officer Details

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## 1. Introduction

- 1.1 This application seeks planning permission for the demolition of existing kennel facilities and erection of Class B8 commercial building
- 1.2 The application site is located outside of settlement boundary within the AONB; the site has a detached dwelling to the south, to the north of the site is an existing large barn and a detached kennels building both of which are in poor condition. The site is accessed from an unnamed road which links Ermin Street to Hungerford Hill with a separate access for the dwelling.
- 1.3 The proposal is for the demolition of the existing barn and kennel building and replace with a B8 commercial building for the applicants outdoor furniture business.

## 2. Planning History

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

Application	Proposal	Decision
75/03289/ADD	Proposed agricultural bungalow with garage	Refused
76/04599/ADD	Proposed agricultural bungalow	Refused
81/16280/ADD	Hunt kennels for berks and bucks draghounds approx 30 hounds to be accommodated	Approved
82/17205/ADD	Hunt kennels	Approved

## 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 on 23<sup>rd</sup> November at the application site; the deadline for representations expired on 14<sup>th</sup> December 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>Lambourn Parish Council:</b>	Objection Wrong classification B8 should be E(g)(iii) in a site within the AONB. Outside designated employment area, rural permissions granted on 82/17205/ADD has lapsed. This is agricultural land, building should be agricultural not industrial.
<b>Highways:</b>	Conditional Approval with personal permission condition however objection raised to site sustainability.
<b>SUDS:</b>	No Response
<b>North Wessex Downs AONB:</b>	No Response
<b>Thames Water</b>	No Objections

### ***Public representations***

- 4.2 Representations have been received from 11 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:
- Number of vehicle movements
  - Erosion of AONB
  - Impact on road infrastructure
  - 82/17205/ADD was a personal permission for B&B Draghounds only
  - Unsustainable location
  - Impact on residents/rural community
  - Increase in traffic, noise and pollution
  - Not an employment area
  - Site suitable for agricultural only
  - New industrial area within AONB
  - Inappropriate location
  - All land in ownership would mean EIA is required
  - TRICS data should be used
  - Personal permission should be used
  - Industrial creep

## **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, ADPP5, CS9, CS10, CS13, CS14, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies OVS.5, OVS.6, 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)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)
- North Wessex Downs Management Plan (2019-24)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

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

### *Principle of development*

- 6.2 The application site lies outside of any defined settlement boundary, and therefore the site is classified as being located within the open countryside in terms of Core Strategy Policy ADPP1.
- 6.3 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 a demolition of existing barn and kennels buildings and construction of B8 commercial building for the storage of outdoor furniture.
- 6.5 Planning Policy ADPP5 of the WBCS further advocates for the limiting of development within the countryside. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP5 permits development within AONB providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the AONB, ensuring that any development responds positively to the local context. The design, proposed materials and the scale of the development is considered to be in keeping with the rural location and the character of the existing buildings.
- 6.6 The proposed steel portal framed building measures 24.38 x 30.48m with a total floorspace of 743 m<sup>2</sup>. The building will measure 5m to the eaves and 6m to the ridge.
- 6.7 Planning Policy CS10 states that 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.
- 6.8 Planning Policy CS9 states that proposals for industry, distribution and storage uses will be directed to the District's defined Protected Employment Areas, and existing suitably located employment sites and premises. Any proposals for such uses outside these areas/locations will be assessed by the Council against the following:
- compatibility with uses in the area surrounding the proposals and potential impacts on those uses

- capacity and impact on the road network and access by sustainable modes of transport
- 6.9 The application site does seek permission for B8 use outside of settlement and protected employment areas, although it is located close to existing sites with the closest protected employment area being within 300m from the application site. Policy CS9 states that more efficient use of existing sites and premises should be made in order to attract inward investment, respond to modern business requirements, and meet the demand for employment land over the plan period. The Council will promote the intensification, redevelopment, and upgrade of existing, vacant and/or derelict employment sites and premises for business development.
- 6.10 Whilst the existing use of the site has lapsed the proposal will seek to redevelop the site in order for it to meet modern business requirements. The proposed B8 use is relatively small scale with other business uses located within the wider area along with agricultural, equine and residential. The proposed use is considered to be compatible with the existing surrounding uses for the reasons set out in this report given the scale of the proposal and the previous use on the site.
- 6.11 The application is very finely balanced as new development within the countryside is not encouraged unless it can meet the requirements of the relevant planning policies. These have fully assessed under the below headings.

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

- 6.12 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.
- 6.13 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.
- 6.14 Policy ADDP5 sets out the strategy for development within the AONB, any form of development is expected to conserve and enhance the local distinctiveness, sense of place and remote setting of the AONB.
- 6.15 The proposal seeks to construct a detached B8 commercial building for the storage of outdoor furniture in connection with the applicants business.
- 6.16 The proposed building will replace the existing barn and kennels buildings which are in poor condition and replace with a more modern steel portal framed building. Whilst the footprint of the building is to be larger than the existing buildings the existing area has a large expanse of hardstanding; the existing ridge height of the barn is 6m and the proposed barn will be 6m. The proposed is of simple traditional design and materials which is found throughout the District and considered acceptable given the setting and the character and appearance of this sensitive area. The proposed location and design is not considered to have a significant impact on the character and appearance of the area.

- 6.17 The design and access statement and the submitted ecological survey have stated that landscaping and other measures can be achieved in order to improve the site as well as reduce the visual impact. These measure include further planting of the existing hedgerows and ecological measures such as bat boxes. A condition to secure details of any external lighting would be required to minimise the visual impact, impact on the dark skies in the AONB and to protect and enhance local biodiversity.

### ***Neighbouring amenity***

- 6.18 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. The NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.19 Due to the location of the proposal and the distance from neighbouring dwellings and the nature of the business there is not considered to be a signification impact on neighbouring amenity; the nearest dwelling is occupied by the applicant.
- 6.20 The proposed building B8 use is not considered likely to give rise to any additional noise, odour, fumes, or other environmental impacts than that of the existing uses on the site.

### ***Highways matters***

- 6.21 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements.
- 6.22 The proposal retains the existing access and hardstanding for car parking; the highways officer was consulted and assessments were made. Highway data for the proposed use is provided in the 'Design and Access Statement' submitted. The data for a B8 use is from the Trip Rate Information Computer System (TRICS). TRICS is a Republic of Ireland and UK database containing traffic survey data for many uses including B8. Expected HGV movements for the proposed use are 2 to 3 HGV's per week, while a B8 use could be 2 to 3 HGV's per day.
- 6.23 The highways officer did object on sustainability grounds as the only means of travel to and from the site is by motor vehicle. This would then be contrary to national and local policies, the Climate Change Emergency and working towards carbon neutrality for the district. This is noted, however, the previous occupant/use of the kennels would have likely involved a number of vehicle movements for staff, deliveries etc. The proposal involves relatively similar vehicle movements to that of the previous use.
- 6.24 The details have been assessed by the highways officer and considered on balance acceptable based on a personal permission be applied for B8 use for Kingsley Smythe Ltd.

### ***Ecology***

- 6.25 Policy CS17 of the Core Strategy seeks to conserve and enhance the biodiversity and geodiversity assets across the district. Habitats designated as important for biodiversity at an international or national level or which support protected, rare or endangered species will be protected and enhanced.
- 6.26 With regard to biodiversity, the NPPF requires that planning applications should ensure that new developments conserve and enhance biodiversity. An Ecological Impact Assessment has been submitted with proposed mitigation and enhancement measures.



A condition is proposed to ensure that those measures are carried out in order to protect and improve biodiversity as a result of the proposed development.

### ***Sustainability***

- 6.27 Policy CS15 – Sustainable Construction and Energy Efficiency requires all non-residential development to achieve BREEAM Excellent. BREEAM covers both new construction and refurbishment for any building in which people spend the majority of their working day with separate guidance for; Offices, retail, industrial, healthcare, education, residential institutions, community buildings, public buildings, data centres and other types of non-residential development.
- 6.28 However, B8 – Storage and Distribution is not included within the BREEAM guidance due to the nature of the buildings used often comprising large open buildings with large doors to enable ease of delivery and shipment. This means that the internal regulation of heat is not financially viable.
- 6.29 Therefore, due to the proposed building being B8 use for storage of garden furniture it would be unreasonable to require the development proposed to achieve BREEAM Excellent by condition.

### ***Drainage***

- 6.30 Policy CS16 and the Sustainable Drainage Systems Supplementary Planning Document state that on all development sites, surface water should be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity.
- 6.31 The submitted design and access statement states that there is an existing network of drains from each of the buildings onsite and an existing soakaway. The proposed building will utilise this network and existing soakaway. In addition rainwater goods and a water storage tank will allow rainwater harvested to be utilised for cleaning branded vehicles. The site is not located on or near an existing flood plain.
- 6.32 These measures have not been detailed on the plans therefore a sustainable drainage condition has been added in order to ensure that further appropriate drainage details are submitted for assessment by the drainage engineer and approved by the Local Planning Authority in accordance with Policy CS16 and the Sustainable Drainage Systems SPD.

### ***Other Matters***

- 6.33 Comments have been made in regards to permission 82/17205/ADD and condition 3 which was for a personal permission; this ceases once the applicant has left the premises. This does not mean that the buildings have to be demolished as the condition does not specify this however it does mean that the use specified in this permission has ceased.

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

- 7.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to

economic, social and environmental sustainability aspects of the proposal. Whilst the proposal is considered to result in some limited harm to environmental sustainability, such harm is considered to be outweighed by the contribution toward economic sustainability through the continued use of the site for economic purposes

- 7.2 Social considerations overlap those of environmental in terms of neighbouring amenity. The proposal is located over 125m from the nearest residential dwelling other than the applicants own dwelling therefore there is not considered to be a wider social impact from the proposal.
- 7.3 Whilst the proposal is not considered to meet Policy CS9 given that it is located outside of a protected employment area this is outweighed by the economic benefits as it is considered that the proposal will contribute and maintain a diverse rural economy and is considered to support business development, make efficient use of an existing site and encourage economic development.
- 7.4 With regards 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. It is considered that the proposals would result in some harm to the intrinsic character and appearance of the AONB. However, that harm would be limited due to the views of the site from the wider area. Whilst the proposed built form is larger it will seek the demolition of existing unattractive and precarious mixture of buildings with a singular built form of a similar height to the existing barn on the site. The proposal also includes the enhancement of biodiversity through the implementation of biodiversity enhancement measures and soft landscaping scheme; therefore contributing to the wider environmental dimensions of sustainable development.
- 7.5 For the reasons given above it is considered that the proposal accords with the National Planning Policy Framework and the relevant development plan policies. Accordingly, it is recommended for approval.

## **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. **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 received 20<sup>th</sup> October 2021;  
Proposed Plans and Elevations 0001 received 20<sup>th</sup> October 2021;  
Design and Access Statement received 20<sup>th</sup> October 2021;  
Block Plan received 20<sup>th</sup> October 2021;  
Preliminary Ecological Appraisal 194/R1 by Herdwick Ecology dated September 2021 received 20<sup>th</sup> October 2021.

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

3. **Personal Permission**

The B8 commercial building hereby permitted shall be occupied only by Kingsley Smythe Ltd. When the premises cease to be occupied by Kingsley Smythe Ltd the use hereby permitted shall cease and all items of storage and equipment brought on to the premises in connection with the use shall be removed..

Reason: The applicant has demonstrated through submission accompanying this application that the associated vehicle movements relating to the operation of the site for his business are such as to allow for the applicant's particular business to operate on the site under the restrictions of the conditions of this planning permission without resulting in undue detriment to the amenity of neighbouring residential occupants, highway safety and the amenity of the highway network that might result from the operation of an uncontrolled B8 or other industrial use of the site. This condition is imposed in order that the use of the site by any alternative future occupant can be given details consideration in terms of the associated impacts on highways safety and residential amenity in the interests of residential amenity and highway safety in accordance with the NPPF, Policies CS5, CS9, CS13 and CS14 of the West Berkshire Local Plan Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved 1991-2006 Saved Policies 2007.

4. **SUDS**

Prior to the commencement of the development hereby permitted, details of sustainable drainage measures to manage surface water within the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and the proposed national standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- d) Include a drainage strategy for surface water run-off from the site that ensures that no discharge of surface water from the site will be directed into the public system;
- e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- i) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- j) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- k) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- l) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

All sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings hereby permitted are occupied, or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding, improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because insufficient information accompanies the application and such measures may need to be incorporated into early building operations.

**5. Materials as specified**

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

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

**6. Lighting strategy (AONB)**

No external lighting or floodlighting shall be installed to the building 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 to the building 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.

**7. Ecological mitigation**

The building hereby approved shall not be brought into first use until all ecological measures and enhancement measures have been implemented in accordance with the details contained in the Preliminary Ecological Appraisal 194/R1 by Herdwick Ecology dated September 2021 received 20<sup>th</sup> October 2021.

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.

**8. Hours of work**

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

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

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

9. **Landscaping**

The building shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new building (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

10. **Construction Method Statement**

No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Wheel washing facilities;
- (f) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

11. **External Storage**

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

Reason: To prevent the overdevelopment of the site and to prevent visual harm to the sensitive North Wessex Downs Area of Outstanding Natural Beauty. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

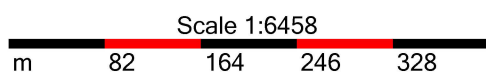
## ***Informatives***

### **1. Proactive statement**

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.

**Scale :** 1:6458

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	02 March 2022
<b>SLA Number</b>	0100024151

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