

# **EASTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 5 OCTOBER 2022**

**Councillors Present:** Graham Pask (Chairman), Tony Linden, Ross Mackinnon, Geoff Mayes, Richard Somner, Keith Woodhams and Joanne Stewart (Substitute) (In place of Alan Law)

**Also Present:** Bob Dray (Development Control Team Leader), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Tom Dunn (Principal Policy Officer), Gemma Kirk (Senior Planning Officer), Kim Maher (Solicitor), Emma Nutchey (Principal Planning Officer), Sadie Owen (Principal Democratic Services Officer) and Sissi Yang (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Alan Macro, Councillor Jeremy Cottam and Councillor Alan Law

### **PART I**

#### **18. Minutes**

The Minutes of the meeting held on 24 August 2022 were approved as a true and correct record and signed by the Chairman.

#### **19. Declarations of Interest**

Councillor Geoff Mayes declared an interest in Agenda Item 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.

#### **20. Schedule of Planning Applications**

##### **(1) Application No. and Parish: 21/03260/COMIND – Land North and West Of Glebe End Accessed by Shortheath Lane, Sulhamstead, Reading**

The Chairman noted that Mr Peter James had originally registered to address the Committee on the planning application at its meeting on 14 September 2022, which had subsequently been cancelled. Due to holiday commitments he had been unable to re-register. In accordance with the Council's Constitution paragraph 7.6.2, the Committee supported the Chairman's motion that Standing Orders be suspended to allow Mr James to address the Committee.

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/03260/COMIND in respect of a proposed change of use of agricultural land to equestrian and the erection of a stable block/yard and manège as well as the creation of associated access at land north and west of Glebe End, accessed by Shortheath Lane, Sulhamstead, Reading. The proposal included the retention of four temporary field shelters and mobile stable unit on skids.

Ms Sissi Yang, 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 of Development &

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Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

In accordance with the Council's Constitution, Mr Peter James, objector, and Mrs Amanda Cottingham, applicant, addressed the Committee on this application.

### **Objector Representation**

Mr Peter James in addressing the Committee raised the following points:

- Mr James commented that his main concern related to the size of the development and suggested that sixteen stables, four temporary shelters, and a large manège indicated that the applicant planned a commercial business.
- Mr James suggested that naming the location 'Oakdown Fields' as a google business was further evidence to suggest a planned commercial venture.
- Mr James expressed concern at the increased use of lighting by the development and the adverse impact to local wildlife.
- Mr James suggested that increased traffic utilising the stables would further detrimentally impact the surrounding roads.

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

Members did not have any questions of clarification.

### **Applicant Representation**

Mrs Amanda Cottingham in addressing the Committee raised the following points:

- Mrs Cottingham clarified that the google pin had been dropped to assist in locating the property for delivery purposes.
- Mrs Cottingham noted that condition 8 would cover any concern relating to external lighting at the development.
- Mrs Cottingham expressed concern at the extent of the conditions required, stating that they appeared to require the submission of a further eight plans. Mrs Cottingham requested reassurance that satisfying the conditions would not lead to further delay to the development.
- Mrs Cottingham queried why a number of the conditions had been included when they were not applicable to the development. It was requested that they be reviewed to reflect only issues relating to the application.
- Mrs Cottingham suggested that a number of the conditions seemed excessive given that the development was not proposed for commercial use.

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

Councillor Jo Stewart queried the proposed use of the manège. Mrs Cottingham explained that she was a showjumper with a number of horses and required somewhere safe to exercise and ride them.

Councillor Stewart suggested that sixteen horses seemed a large number for personal use, however Mrs Cottingham commented that there were nine horses currently at the location; four of which were retired, one used for competing, three owned by Mrs Cottingham's daughter, one by her daughter's partner and there was also a pony owned by her grandson. It was explained that provision for sixteen horses would allow for a square stable block.

Mrs Cottingham clarified that the stable block would be a permanent structure.

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### **Ward Member Representation**

Councillor Ross Mackinnon expressed a desire to participate in the debate and so did not make a representation.

### **Questions to Officers**

Councillor Richard Somner noted that there had been a previous change of use at the site from agriculture to private grazing in 1997 and queried whether this would cause any obstacle to the current application. Mr Bob Dray, Acting Development Control Manager, confirmed that it would not.

Councillor Graham Pask requested that Mr Dray address the applicant's concerns at the extent of the conditions applied. Mr Dray commented that officers were keen to keep conditions to the bare minimum necessary to make a development acceptable. Mr Dray explained that each requirement was listed as a different condition to ensure that they were precise and enforceable, but that it was possible to address a number of conditions within one submission. Further, Mr Dray commented that proportionality would be applied in the actions required to discharge the conditions.

### **Debate**

Councillor Somner opened the debate by acknowledging that the main concern with the application related to the size and use of the proposed stables. However, having spent time with family and friends that owned horses, Councillor Somner recognised that they required space and particular facilities.

Councillor Somner acknowledged condition 16 which required that the development be for private use only and expressed sadness that the community would be losing use of such a facility.

Councillor Somner did not feel that the application represented a major development and commented that he was inclined to support the Officer's recommendations.

Councillor Tony Linden agreed with Councillor Somner's comments and proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Somner.

Councillor Mackinnon noted Mrs Cottingham's concern about the conditions but felt that Mr Dray had addressed the matter. Councillor Mackinnon also sympathised with the concerns raised by Mr James in relation to the commercial nature of the venture, however noted that this was now dealt with by condition 16, and so agreed with the views expressed by Councillor Somner.

Councillor Stewart also expressed agreement with Councillor Somner's reasoning.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Linden, seconded by Councillor Somner 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 and for the following reasons:

### **Conditions**

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

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

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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:

- J0045728-21-03 Location Plan received 28.01.2022;
- Block Plan Showing Parking received 22.02.2022;
- Stable Proposed Side Elevations received 28.01.2022;
- Stable Proposed Front/Rear Elevations received 28.01.2022;
- Stable Proposed Internal Side Elevations received 28.01.2022;
- Stable Proposed Internal Front/Rear Elevations received 28.01.2022;
- Proposed Arena Fencing received 28.01.2022;
- Stable Yard Floor Plan received 28.01.2022;
- Menage Proposed Cross Sections 28.01.2022;
- Proposed Arena Surface Details received 28.01.2022
- Mobile Field Shelters received 22.02.2022;
- Twin Stable Elevations received 22.02.2022;
- Mobile Stable received 22.02.2022;
- Field Shelter 1 received 22.02.2022;
- J0045728-21-03 Proposed Mobile Shelters 22.02.2022;
- Information on Proposed Gateway received 22.02.2022
- Plan 8490/201 Site Access & Visibility Splay received 09.03.2022
- Parking Plan with 5m Hedge Root Protection Zone received 31.03.2022

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

### **3. 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) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (f) Temporary access arrangements to the site, and any temporary hard-standing;
- (g) Wheel washing facilities;
- (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (j) Hours of construction and demolition work;
- (k) Hours of deliveries and preferred haulage routes;

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

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required because the CMS must be adhered to during all demolition and construction operations.

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

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of "biodiversity protection zones".
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

### **5. Tree protection scheme**

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.

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 development takes place.

### **6. Landscaping**

The use hereby permitted shall not commence 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,

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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 use of the land for equestrian purposes (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.

### **7. Biodiversity Mitigation and Enhancement Plan**

No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include measures to mitigate the impact of the development on existing ecological assets, and deliver biodiversity enhancements. The plan may include (but not necessarily be limited to) using the landscaping scheme to deliver biodiversity enhancements. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the Mitigation and Enhancement Plan will need to be adhered to throughout construction.

### **8. Lighting strategy (Landscape/Ecology)**

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

- (a) Include isolux contour diagram(s) of the proposed lighting.
- (b) Ensure all lighting levels are designed within the limitations of the appropriate lighting zone, as described by the Institute of Lighting Engineers.

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

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, and ensure lighting is appropriate within the landscape. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **9. Ecology report valid for 3 years**

If the development hereby approved does not commence by 10<sup>th</sup> February 2025 (3 years from the original ecology survey), a further ecology survey shall be carried out and a report submitted to the Local Planning Authority for approval before any development takes place. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

**Reason:** To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **10. Materials**

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

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

### **11. Hours of work (construction/demolition)**

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

8:30am to 6:00pm Mondays to Fridays;

9:00am 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.

### **12. Drainage**

The construction of the stables and/or menage shall not commence until a drainage strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The stables and/or menage shall not be brought into use until the drainage measures have been provided in accordance with the approved details.

**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), Part 4 of Supplementary Planning Document Quality Design (June 2006), Sustainable Drainage SPD (2008).

### **13. Number of horses**

No more than 16 horses shall be stabled on the site at any one time.

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

### **14. Hay store/tack room use**

The bedding & hay store and tack area(s) as indicated on the plans submitted with the application shall be used solely for these purposes, and shall not be used for the accommodation of horses.

**Reason:** To ensure the scale and intensity of the development is appropriate to its location, and to ensure adequate facilities are maintained. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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### **15. Manure storage and disposal**

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

Reason: To prevent the proliferation of manure which would detract from the quality of the AONB and in the interests of amenity and to avoid any possible water/land contamination. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16. Private equestrian use only**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or an orders revoking and re-enacting or amending those orders, with or without modification), the application site shall only be used for private recreational equestrian purposes. The site shall not be used for any other equestrian purpose including commercial riding, breeding, training or liveryes.

Reason: In the interests of amenity and to ensure an appropriate intensity of use. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

## **Informatives**

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

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

### **Damage to the carriageway**

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

## **Trees**

- To ensure that the trees/hedges which are to be retained are protected from damage, ensure that all works occur in a direction away from the trees.
- In addition that no materials are stored within close proximity i.e. underneath the canopy of trees/hedges to be retained.
- Ensure that all mixing of materials that could be harmful to tree/hedge roots is done well away from trees/hedges (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
- To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
- If this is not possible due to working room / access requirements The ground under the trees'/hedge canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil.
- If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent



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desiccation or frost damage. If required, the minimum amount of root could be cut back using a sharp knife.

- If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.

### **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.

### **(2) Application No. and Parish: 21/02767/FULMAJ – 17 Clifton House, Reading Road, Pangbourne**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/0276/FULMAJ in respect of a proposal to construct 13 flats and a courtyard with a reconfigured car park at 17 Clifton House, Reading Road, Pangbourne. The proposal included the demolition of a single storey flat roofed building.

Ms Emma Nutchey, Principal 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 completion of a s106 agreement and subject to the conditions outlined in the main and update reports.

In accordance with the Council's Constitution, Mr Les Billings and Mrs Mags O'Keefe, objectors, and Mr Adrian Keal, applicant, addressed the Committee on this application.

### **Objector Representation**

Mr Les Billings and Mrs Mags O'Keefe in addressing the Committee raised the following points:

- Mr Billings commented that he had no overall objection to the application, but wanted to receive assurances that the boundary wall would be replaced.
- Mr Billings felt that condition 26 inferred that the boundary wall did not have to be replaced until just prior to occupation. There was concern that demolition of the boundary wall would immediately lead to a loss of security at the site and at Mr Billings' address.
- Mrs O'Keefe echoed Mr Billings' comments and acknowledged that she was not opposed to the development, but was concerned that loss of the boundary wall for any length of time would lead to the damage of a number of established garden plants which were of sentimental value.

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

Members did not have any questions of clarification.

### **Agent Representation**

Mr Adrian Keal in addressing the Committee raised the following points:

- Mr Keal welcomed the Officer's recommendation to approve the application.

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- Mr Keal suggested that the introduction of thirteen flats to the site would improve the surveillance and security of the area.
- Mr Keal reported that the developer had responded to comments by the Tree Officer by revising the parking area in order to retain a cherry tree, which would enhance the setting of the car park.
- Mr Keal reported that he had met with Mr Billings and Mrs O'Keefe and that a strategy to comply with condition 26 and to replace the boundary wall as a matter of importance had been agreed. Mr Keal reported that the developer had noted and would accommodate the concern not to leave the site open.

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

Members did not have any questions of clarification.

### **Ward Member Representation**

Councillor Gareth Hurley was not present at the meeting.

### **Questions to Officers**

In response to a request from Councillor Linden, Ms Nutchey read out condition 26 (as detailed below), which had not been included within the original agenda pack as produced on 14 September 2022.

Councillor Pask queried whether the condition could be amended to take account of the concerns raised by the objectors.

Mr Dray was not keen to amend the condition and place an unreasonable burden on the developer, however suggested amendment to a pre-commencement condition which would require the developer and objectors to agree a timetable of works that both were happy with.

Councillor Geoff Mayes queried whether the balustrade fencing was at the top or the bottom of the railway embankment. Ms Nutchey clarified that it was at site level and owned by Network Rail. Ms Nutchey further clarified that the trees being trimmed were within the land owned by Network Rail.

Councillor Geoff Mayes queried whether the development would utilise solar panels, and whether they would reduce the energy bill for the occupiers of the building, or whether the savings would go to the developer.

Ms Nutchey confirmed that the developer was looking to utilise solar panels on the building to reduce the need for power from the grid.

Councillor Pask commented that Councillor Mayes query did not relate to a planning matter.

Mr Dray clarified that discussions relating to the building and use of solar panels was a planning matter, but the lease and rental agreement were not a matter for discussion.

### **Debate**

Councillor Somner opened the debate by commenting that he was encouraged by the application and particularly the work that complied with the Council Policy CS51. Whilst he noted that the development would not be achieving complete net zero, Councillor Somner recognised that the proposals went a long way towards it and suggested that such aspirations should be encouraged.

Councillor Somner noted that the objections were few and appeared to be allayed by making a minor amendment to condition 26. On that basis Councillor Somner

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commented that he was happy to propose to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report.

Councillor Jo Stewart seconded the proposal.

Councillor Mackinnon commented that the application presented a good environmental development and that the developer had displayed a positive attitude in dealing with the objectors' concerns. Councillor Mackinnon supported the Officer's recommendation.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Richard Somner, seconded by Councillor Jo Stewart to grant planning permission, subject to the amendment to condition 26 to make it a pre-commencement condition to agree timetables for the demolition and creation of the new boundary wall and subject to the completion of a s106 agreement. At the vote the motion was carried.

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

### **Conditions**

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

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

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

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

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

Site location plan 02-00

Red line boundary and site access 02-60 Rev. B

Proposed site plan 02-03 Rev. C

Proposed site block plan 02-02 Rev. C

Proposed site plan with PV panels 02-04 rev. A

Proposed block A elevations (1 of 2) 05-10 rev. B

Proposed block A elevations (2 of 2)

Proposed block B elevations 05-12 Rev. B

Proposed first floor plans 03-11

Proposed second floor plans 03-12

Proposed third floor plans 03-13

External works details 05-20

Proposed ground floor plans 03-10 Rev. B

Ecological Impact Assessment by ECOSA

Arboricultural Impacts Assessment by SJ Stephens Associates

Proposed Landscape Strategy 02-04 Rev. B

Planning Noise Assessment by RSK Acoustics report 206/0400/R1

Planning Statement

Carbon Energy Statement

Archaeological desk-based assessment by Thames Valley Archaeological Services

Surface Water Drainage Strategy by Glanville Issue 4

Proposed site drainage 02-63 Rev. B

Transport Statement by Bellamy Roberts

Highways technical Note by Bellamy Roberts 20th Dec 2021

Site ownership and car parking strategy 02-65 Rev. B

Proposed bin and bike store 02-53 Rev.A

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Semi vertical bike rack information sheet

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

### **3. Schedule of materials**

No development shall commence 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.

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). A pre-commencement condition is required because the approved materials will be used throughout construction.

### **4. Floor levels**

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

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. 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 Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the ground levels need to be established before works start.

### **5. Hard landscaping**

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

The scheme must include a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way.

Reason: Landscaping is an integral element of achieving high quality design and safety fencing is required adjacent to the railway line at the request of Network Rail to ensure public safety. 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.

### **6. Details of solar panels**

No property shall be occupied until the PV panels have been installed in accordance with the approved details which have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the make of the panels and details to show how they sit within the roof and their coverage. The panels shall thereafter be retained in accordance with the approved details.

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Reason: To ensure that the PV panels are sympathetic to the appearance of the property and do not harm the character and appearance of the conservation area. This is in accordance with the guidance within the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **7. Construction method statement**

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) A site set-up plan during the works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is necessary because insufficient detailed information accompanies the application and measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### **8. Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours:

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. Unexpected contamination**

If any previously unidentified contaminated land is found during demolition and/or construction activities, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation). The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the

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effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **10. Noise mitigation measures**

The development hereby approved shall not be occupied until the noise mitigation measures as set out in the Planning Noise Assessment by RSK Acoustics ref 206/0400/R1, submitted with the application, have been completed in accordance with these approved details. The noise mitigation measures shall be retained and maintained thereafter.

Reason: To protect future residents from noise from the railway line. To ensure a satisfactory relationship between the proposed development and the adjacent Railway. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **11. Lighting design strategy for light sensitive biodiversity**

No property shall be occupied until a lighting design strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly ecologically sensitive and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: The introduction of artificial light might mean species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **12. Landscape and Ecological Management Plan (LEMP)**

No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

(a) Description and evaluation of features to be managed.

(b) Plans to show the location of at least 4 bat roosting features and 10 swift boxes integrated within the new buildings.

(c) Plans shall highlight any areas where breathable roofing membrane is used within the roof.

(d) Ecological trends and constraints on site that might influence management.

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- (e) Aims and objectives of management.
- (f) Appropriate management options for achieving aims and objectives.
- (g) Prescriptions for management actions.
- (h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period detailing the ongoing monitoring and remedial measures and the organisation responsible).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

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

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

Reason: This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the LEMP may need to be implemented during construction.

### **13. Construction Environmental Management Plan**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of "biodiversity protection zones".
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

### **14. Ecological Impact Assessment**

The development hereby approved shall be carried out in accordance with the Ecological Impact Assessment by ECOSA dated October 2021 unless otherwise agreed in writing by the Local Planning Authority. The measures shall thereafter be retained and maintained in accordance with the approved details.

Reason: To protect species on site in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **15. Archaeology**

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No development including site clearance shall take place within the application area until a Stage 1 written scheme of investigation (WSI) for a programme of archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by Stage 1, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the WSI no site clearance work or development shall take place other than in accordance with the agreed WSI, which shall include: A. The Statement of significance and research objectives, the programme and methodology of archaeological site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting archaeological material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 205 of the 2021 National Planning Policy Framework and is accordant with the requirements of Policy CS19 of the West Berkshire Local Plan (2006-2026) 2012.

### **16. Electric Charging Points**

No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), 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). A pre-commencement condition is required because the location of points must be determined prior to construction work.

### **17. Access construction prior to occupation**

No dwelling shall be occupied until the alterations to the access onto Reading Road have been constructed in accordance with the approved drawings.

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

### **18. Visibility splays before development**

First works on site shall constitute the creation of the approved visibility splays of 2.4 metres by 25 metres at the site access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

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



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No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plans. No doors shall be erected on the front of the car ports to enclose them. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **20. Cycle parking**

No dwelling shall 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.

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).

### **21. No doors on car ports**

The car ports hereby permitted shall be kept available for parking (of private cars and/or private light goods vehicles) at all times. 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), no physical alterations shall be made to the car ports (including enclosing the sides / installed doors), unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the car ports are kept available for vehicle parking, and are not converted into garages, in the interest of road safety. The residential parking standards of Policy P1 do not count garages towards parking provision. This condition is applied 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 Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **22. Thames Water**

No development hereby approved shall commence until a Source Protection Strategy detailing how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The development shall be constructed in line with the recommendations of the strategy.

Reason: To ensure that the water resource is not detrimentally affected by the development. This condition is attached in accordance with the guidance within the National Planning Policy Framework. More detailed information can be obtained from Thames Waters' Groundwater Resources Team email [GroundwaterResources@Thameswater.co.uk](mailto:GroundwaterResources@Thameswater.co.uk) Tel: 0203 577 3603.

### **23. Arboricultural supervision condition**

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

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 in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with the objectives of the National Planning Policy Framework and Policies ADPP1, ADPP5, CS14, CS17, 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 and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### **24. Tree Protection**

All Tree Protective Fencing shall be erected in accordance with the submitted SJ Stephens Tree Protection Plan, reference drawing number 1418-02 dated Feb 2022. The protective fencing shall be implemented and retained intact for the duration of the development. Within the fenced area(s), there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.

Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **25. Landscaping**

No development shall take place 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 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.

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.

### **26. Details of boundary treatment**

No development shall commence until details of the proposed boundary treatment to the rear of numbers 1-3 Pangbourne Place have been submitted to and approved in writing by the Local Planning Authority along with a timetable for the construction/erection of the approved boundary treatment. The approved boundary treatment shall thereafter be constructed in accordance with the approved details and timetable. This condition shall apply irrespective of the detail shown in the application documents.

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Reason: To allow for different boundary treatment options to be considered and to ensure the boundary is marked by a safe and secure structure. 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.

### **27. Drainage Strategy**

The development hereby approved shall be carried out in accordance with the Surface Water Drainage Strategy by Glanville, Issue 4: 6 July 2022 unless otherwise agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the drainage measures have been completed in accordance with the approved details. The measures shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a suitable drainage strategy is secured in accordance with Policy CS16 of the West Berkshire Core Strategy 2006-2026 and the guidance set out within the National Planning Policy Framework.

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

#### **Affordable housing**

Secure 4 shared ownership apartments.

#### ***Refusal Reasons (if Section 106 Agreement not completed)***

#### **Planning obligation**

The application fails to provide an appropriate planning obligation to secure 4 affordable housing units on site (30% provision) as is required by Policy CS6 of the West Berkshire Core Strategy 2006-2026 and in accordance with the National Planning Policy Framework and the Council's Planning Obligations SPD. This policy seeks to ensure the provision of affordable dwellings within the district where there is an identified need for such housing.

#### ***Informatives (if granted planning permission)***

### **1. Positive 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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

### **2. CIL**

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### **3. Access construction**

The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or [highwaysassetmanagement@westberks.gov.uk](mailto:highwaysassetmanagement@westberks.gov.uk) 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.

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

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

### **5. Damage to the carriageway**

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

### **6. Excavation in close proximity to the highway**

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 [highwaymaintenance@westberks.gov.uk](mailto:highwaymaintenance@westberks.gov.uk)

### **7. Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

### **8. Official Postal Address**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> 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.

### **9. Thames Water**

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

### **10. Thames Water**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **11. Network Rail**

Please see full comments from Network Rail dated 24th November 2021. This raises important issues with regards to drainage, fencing, and encroachment onto the railway, scaffolding, vibro-impact machinery, crane use, a 2m gap and lighting. It is essential this is read before works start on site.

### **(3) Application No. and Parish: 22/01080/FUL – Manns Farm, Nightingale Lane, Mortimer, Reading, RG7 3PS**

*(Councillor Geoff Mayes declared an interest in Agenda item 4(3) by virtue of the fact that he knew the applicants Mr and Mrs Strang as their Ward Member. As his interest was*

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

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 22/01080/FUL in respect of a proposal to convert an existing farm building and replace an existing farm building to provide a 'Wellness Centre' at Manns Farm, Nightingale Lane, Mortimer, Reading.

Ms Gemma Kirk, 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 Service Director Development and Regulation be authorised to refuse planning permission for the reasons listed in the main and update reports.

Mr Gareth Dowding, Principal Engineer (Traffic & Road Safety) commented that were permission granted to the application it would result in an increase of 90 cars per day which was felt to be excessive given the size of the road and the rural location of the proposed development.

In accordance with the Council's Constitution, Councillor Danusia Morsley, Parish Council representative, Mrs Melanie Wheeler, supporter, Mr William Strang, Mrs Camilla Strang and Mr James Fraser, applicants and agent, addressed the Committee on this application.

### **Parish Council Representation**

Councillor Danusia Morsley of Stratfield Mortimer Parish Council in addressing the Committee raised the following points:

- Councillor Morsley noted that the Parish Council had initially supported the application with one minor reservation in relation to the lack of parking provision. This had since been rectified and the Parish Council now fully supported the proposal.
- There were no known objections locally to the application and Councillor Morsley suggested that residents preferred to see the type of agricultural diversification proposed rather than industrial use.
- Councillor Morsley commented that the application adhered to the Parish Council's neighbourhood plan, and in particular policy C6.
- Residents were keen to welcome the development and Councillor Morsley anticipated substantial local use, as the nearest alternative yoga class was five miles away.
- Councillor Morsley commented that Manns Farm was the closest farm to the centre of the village, and consequently the best farm to offer a service which would benefit residents of the village.
- It was suggested that the application suggested a good use of existing buildings and provided a well thought out development plan.
- Residents of the village all strongly supported the application and Councillor Morsley urged Officer's to review their decision and to support the application.

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

Members did not have any questions of clarification.

### **Supporter Representation**

Mrs Melanie Wheeler in addressing the Committee raised the following points:

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- Mrs Wheeler commented that the application proposed use of an existing building, in a tranquil setting in the heart of the village, and that she fully supported the plans.
- Mrs Wheeler suggested that the Wellness Centre would provide a sought after service that was not currently available to residents without commuting.
- It was suggested that the Wellness Centre would provide a mental wellbeing benefit to all ages of the village and help to connect people. Mrs Wheeler further commented that the benefit in getting people active was also important, particularly following the impact of the pandemic.
- It was suggested that the proposal was environmentally beneficial as it would negate the need for villagers to travel for sport classes.

### **Member Questions to the Supporter**

Members did not have any questions of clarification.

### **Applicant & Agent Representation**

Mr William Strang, Mrs Camilla Strang and Mr James Fraser (Agent), in addressing the Committee raised the following points:

- Mr Fraser reported that the site was only just over half a mile from the centre of Mortimer, with its regular bus service, and with close proximity of a local footpath to provide alternative access to the site.
- In response to Mr Dowding's concern that users would travel from further afield than the village, Mr Fraser argued that the population of Burghfield and Mortimer would be sufficient to support the proposed facility.
- Mr Fraser commented that the proposed centre would be able to provide much needed wellness facilities to the surrounding area, and highlighted the beneficial aspect of allowing the application in the creation of jobs for local residents.
- Mr Strang introduced himself as a third generation farmer, farming 175 hectares of mainly arable land. Mr Strang emphasised the importance for farmers to diversify, particularly as subsidy payments were withdrawn over the next four years.
- Mr Strang noted that central government was encouraging diversification, and commented that he and his wife had managed to secure a substantial Leader grant for the application which was helping to make it financially possible.
- Mr Strang commented that his wife would be responsible for the day-to-day running of the business, and suggested that practices offered by the centre would benefit local residents both in terms of physical and mental health.
- Mr Strang suggested that it was strange to be failing at the first hurdle when there was such support for rural diversification from central government.
- Mrs Strang reported that she was trained in reiki, yoga, hypno-birthing and hypnotherapy and was looking to offer wellness for the mind, body and soul for those that joined.

### **Member Questions to the Applicants & Agent**

Councillor Mackinnon queried whether ninety-three additional car movements a day was a reasonable expectation. Mrs Strang responded that the calculation was based on full capacity and that it was intended that there would never be more than fifteen people in the studio.

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Councillor Stewart queried the square footage of the current farm building in comparison to the proposed development. Mr Dray clarified that the gross internal floor space of the existing building was 173.3m<sup>2</sup> and that the proposed building would be 192.6m<sup>2</sup>.

Councillor Mayes noted that there was no bus service on a Sunday and suggested that users would consequently need to use a bicycle or car. Councillor Mayes queried the distance from the bus stop and accessibility to the Wellness Centre on a Sunday. Mr Strang responded that he had anticipated that most users of the Wellness Centre would be walking from the village. Mr Fraser stated that the distance had been calculated from Ordnance Survey maps.

### **Ward Member Representation**

Councillor Graham Bridgman in addressing the Committee raised the following points:

- As the Portfolio Holder for Health and Wellbeing, Councillor Bridgman commented that he was keen on any development that would enhance the health and wellbeing of residents of West Berkshire.
- Noting the floor space of the proposed development Councillor Bridgman reflected that a permitted development area related to a space the size of 150m<sup>2</sup>, for which there was no requirement to prove sustainability.
- Councillor Bridgman suggested that the key issue with the development related to sustainability. Councillor Bridgman referred to the amended reason for refusal which referred to policies ADDP1 and ADDP6, advising that only appropriate limited development would be allowed, and Policy CS10 of the Core Strategy which supported proposals to diversify the rural economy in suitable locations. Councillor Bridgman suggested that CS10 should be preferred of the sets of policies.
- In relation to the assertion that the Wellness Centre would increase traffic in a remote, rural location, Councillor Bridgman suggested that the farm was not remote. Councillor Bridgman reported that Mortimer was a rural service centre with approximately four thousand residents, with neighbouring Burghfield a rural service centre of six thousand residents. As such, Councillor Bridgman suggested that both had the scope to provide the clientele for the site.
- Councillor Bridgman estimated that the nearest bus stop was one kilometre away and that Mortimer railway station was just over two kilometres away, each of which were accessible by designated public footpath.
- Councillor Bridgman reiterated Councillor Morsley's assertion that the centre might reduce traffic, by residents not having to travel away from the village for health classes.

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

Councillor Linden queried whether Councillor Bridgman felt that the weight of the policies was important and subjective.

Councillor Bridgman suggested that the evidence within the report was not substantiated as the site was not remote and was very well served by public rights of way within Mortimer.

### **Member Questions to Officers**

Councillor Mackinnon referred to paragraph 5.8 of the report which referenced paragraph 85 of the National Planning Policy Framework and queried why the paragraph had not been referred to in full. Councillor Mackinnon suggested that there was a sentence missing from the end of the paragraph which could potentially provide an alternative

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interpretation. He asserted that the following sentence had not been included:- 'The use of previously developed lands and sites physically well related to existing settlements should be encouraged where suitable opportunities exist'.

Mr Dray confirmed that Councillor Mackinnon had provided a correct reading of the full paragraph.

Councillor Mackinnon queried how the figure of ninety-three vehicle movements a day had been calculated. Mr Dowding responded that standard calculations had been undertaken to work out the movements from a commercial business of the size proposed. Further, there had been some traffic figures supplied by the applicant which had been verified. Mr Dray added that when officers made such calculations, figures would be based on a worst case scenario.

Councillor Mackinnon commented that in the amended reason for refusal officers had quoted that the proposed application was contrary to Policy CS10, and he queried the reasoning for this assertion. Mr Dray clarified that it was due to the fact of the centre not being immediately adjacent to a rural service centre, but acknowledged that it was a judgement issue.

Mr Dray suggested that when deciding the application, Members should interpret the policies as a whole and judge accordingly. He explained that officers had reviewed the application in a worst case scenario and had determined that it was too remote, however if Members wished to approve the application and could prove their decision reasonable then that would be acceptable.

### **Debate**

Councillor Mackinnon opened the debate by expressing satisfaction that determination of the application was down to Members' judgement. Councillor Mackinnon suggested that there were three elements of sustainability; namely economic, social and environmental. Councillor Mackinnon noted that the report recognised the economic benefits to the applicants, but suggested that there were also benefits to independent practitioners renting use of the studios. Councillor Mackinnon further noted the social benefit of the Wellness Centre, which had again been recognised in the Officer's report. Councillor Mackinnon commented that it was the suggested environmental detriment that he felt had wrongly been determined to outweigh the economic and social benefits.

Councillor Mackinnon suggested that many rural businesses were originally farms that were all being told by central government to diversify. Councillor Mackinnon suggested that very few were as close to a rural service centre as Manns Farm and suggested that the weighting awarded to environmental sustainability was disproportionate.

Councillor Mackinnon suggested that even if the forecast ninety-three extra vehicles a day were to occur, this would only equate approximately to an extra vehicle using the lane every ten minutes. Councillor Mackinnon concluded that the economic and social benefits of the scheme outweighed any negative environmental impact, that the proposal would comply with policies and consequently that he would support the application, and reject the Officer's recommendation.

Councillor Linden concurred with Councillor Mackinnon's comments and suggested that the proposed application was important for health and wellbeing, and community cohesion.

Councillor Somner did not feel that it was a straightforward decision. Councillor Somner referred to the estimated studio capacity of twenty-four people and suggested it was a fairly large number. Councillor Somner commented that he liked the application and what



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it was aiming to achieve, however had reservations relating to the access road. Councillor Somner urged Members to be careful when reaching their decisions.

Councillor Mayes commented that he supported Councillor Mackinnon's comments and proposed approval of the application, contrary to Officer's advice.

Councillor Mayes acknowledged that Nightingale Lane was particularly narrow, however estimated that most users of the centre would be travelling from the western end of the lane and so would cause minimal impact.

Councillor Stewart, as mental health champion and Portfolio Holder for Adult Social Care commended the application on the basis of the benefits that it could provide local residents. Councillor Stewart was interested to hear the Parish Council view of support and whilst acknowledging that she was wary to go against Officer's advice commented that further to the debate that had taken place was erring towards supporting the proposal to approve the application.

Mr Dray summed up the debate noting that Members had concluded that the social and economic benefits of the application outweighed the accessibility stipulations.

Mr Dray requested delegation for officers to apply conditions subject to the approval.

Mr Dowding requested that standard highway conditions be added to the application, including a Construction Method Statement.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Geoff Mayes, seconded by Councillor Jo Stewart to grant planning permission. At the vote the motion was carried.

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

### **Conditions**

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

The development hereby permitted shall begin not later than three years from the date of this decision.

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

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

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

Drawing PL-04 (Existing Location and Site Plan) received on 04.05.2022;

Drawing PL-05 A (Proposed Block Plan) received on 19.08.2022;

Drawing PL-06 (Proposed Floor Plan) received on 04.05.2022;

Drawing PL-07 (Proposed Elevations) received on 04.05.2022.

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

#### **3. Materials (as specified)**

The materials to be used in the development hereby permitted shall be as specified on the plans, the application form and the Design, Access and Planning Statement (BCM, April 2022, 10041). Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

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), Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West

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Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and Stratfield Mortimer Village Design Statement (2007).

### **4. Biodiversity protection during construction**

Construction works shall not be carried out except in accordance with the mitigation measures in 5.3.2 (Badger), 5.3.3 (Nesting Birds) and 5.3.4 (NERC Act Species of Principal Importance/Local BAP Species) in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Enims, EC1917, April 2022) received on 04.05.2022.

Reason: To ensure the protection of protected species during construction works. Mitigation measures will ensure Badgers are not trapped and harmed on site and also to ensure that badgers do not cause problems for future site operation. Badgers are protected under the Protection of Badgers Act 1992. The condition also ensures 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, Policy CS17 of the West Berkshire Core Strategy 2006-2026 and Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **5. Pre-commencement: 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) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (f) Hours of construction and demolition work;
- (g) An emergency plan providing policies and procedures for the preparedness and response to an incident at AWE Aldermaston/Burghfield during demolition and construction work.

Reason: To safeguard the amenity of adjoining land uses and occupiers, in the interests of highway safety and in order to ensure the protection of any construction staff should there be a radiation emergency at AWE. This condition is applied in accordance with the National Planning Policy Framework, Policies CS8, 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. Agreed: 10.10.2022.

### **6. Pre-commencement: Emergency planning (outline)**

No change of use/ construction/ development, shall take place until an outline Emergency Plan for wellbeing centre has been submitted to and approved in writing by the Local Planning Authority. In order to provide assurance that an effective plan will be put in place, normally this means that only the final contact details and names are not completed. The Emergency Plan must cover the processes for:

- activation of the plan,
- sheltering,

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- supporting the vulnerable residents, staff and visitors whilst in sheltering
- conditions,
- evacuation, and
- recovery

Thereafter the approved Emergency Plan (or any approved revision) shall be implemented in full for the duration of the development/use.

Reason: In order to ensure that the change of use will not have an impact on the AWE Off-Site Emergency Plan and therefore place the people on the site and the response at risk should there be a radiation emergency at AWE. This is in accordance with the National Planning Policy Framework and Policy CS8 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition to provide the assurances that the use can operate from the site without impacting upon the AWE Off-Site Emergency Plan. Agreed: 10.10.2022.

### **7. Bat mitigation measures**

No further licensable works shall take place until a protected species method statement has been submitted and approved in writing. This shall include details on how construction works will take place without harming bat species and how bat roosts will be reinstated into the new roof. Thereafter construction works shall be carried out in accordance with the approved details.

Reason: To ensure the adequate safeguarding of protected bat species in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, Stratfield Mortimer Neighbourhood Development Plan (2017) and Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **8. Energy statement**

Prior to the construction of the replacement building and extension hereby approved an energy statement shall be submitted and approved in writing by the local planning authority. This shall include details on how the development seeks to both mitigate and adapt to climate change. The development shall hereby be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **9. Drainage strategy**

Prior to the construction of the replacement building and extension hereby approved details of a drainage strategy shall be submitted and confirmed in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with these details thereafter.

Reason: To ensure surface water will be managed in a sustainable manner. This condition is applied in accordance with the National Planning Policy Framework and Policy CS16 of the Core Strategy.

### **10. Biodiversity enhancements/measures**

The use hereby permitted shall not commence until the following biodiversity measures have been installed/constructed: two bat roosting features, an appropriate roof liner and six bird boxes (including one owl box) these will need to be integrated into the structure or extensions. This will be in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, Stratfield Mortimer Neighbourhood Development Plan (2017) and Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **11. Hard landscaping**

The use hereby permitted shall not commence until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: 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), Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Quality Design SPD.

### **12. Soft landscaping**

The use hereby permitted shall not commence until a detailed soft landscaping scheme has been completed in accordance with a soft landscaping scheme that has first 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. 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. Soft landscaping is important to the protection of biodiversity and protected species at the site. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Quality Design SPD.

### **13. Vehicle parking**

The use hereby permitted shall not commence until vehicle parking for the Wellness Centre (including any surfacing arrangements and marking out) have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking shall be kept available for parking (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

### **14. Electric vehicle charging point**

The use shall not commence until an electric vehicle charging point has been provided in accordance with details that have first been submitted and approved in writing by the

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local planning authority. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

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

### **15. Cycle parking**

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.

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).

### **16. Visibility splays**

The Wellness Centre hereby approved shall not be first occupied until visibility splays of 2.4 metres x 35.0 metres have been provided in both directions in accordance with Appendix 3 of Highway Technical Note by Nick Culhane (Drawing NJC-001) received on 04.05.2022. 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.

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.

### **17. Emergency planning (detailed)**

No occupation of the Wellbeing Centre, shall take place until a comprehensive Emergency Plan has been submitted to and approved in writing by the Local Planning Authority.

Upon occupation the approved measures within the Emergency Plans shall be implemented in full, shall be kept up-to-date by unit operator and management/owners. Thereafter, the plan should be reviewed and amended as necessary and at least annually. The Local Planning Authority may at any time require the amendment of the plan by giving notice pursuant to this condition. The Local Planning Authority may at any time require a copy of the then current Emergency Plan for the site which shall be submitted to the Local Planning Authority within 1 month of notice being given.

Reason: In order to ensure that the wellbeing centre has integrated emergency plans that will not have an impact on the AWE Off-Site Emergency Plan and will mitigate the risk to those people on the site. This is in accordance with the National Planning Policy Framework and Policy CS8 of the West Berkshire Core Strategy (2006-2026).

### **18. External lighting**

No external lighting shall be installed within the application site 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), the direction in which lighting is facing to prevent disturbance to protected species and specifications all lighting. No external lighting shall be installed at the application site except in accordance with the above strategy.

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Reason: To protect the rural character of the area and to ensure the conservation and enhancement of the biodiversity assets on the site. This condition is applied in accordance with the National Planning Policy Framework, Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026, Stratfield Mortimer Neighbourhood Development Plan (2017) and Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **19. Time limit on development before further surveys are required**

If the refurbishment works to the timber cart shed and demolition of the steel framed barn hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 12 months for bat species and 3 years for the other species (included within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Enims, EC1917, April 2022)) from the date of the planning permission, the approved ecological measures secured through Condition 4, 7 and 10 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of protected species and (ii) identify any likely new ecological impacts that might arise from any changes.

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

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

Reason: To ensure the conservation and enhancement of protected species identified at the site or which commute and forage in the locality. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and statutory obligations for protected species.

### **20. Customer opening hours**

The Wellness Centre hereby permitted shall not be open to customers outside of the following hours:

Mondays to Fridays: 07:00 to 21:00

Saturdays: 08:00 to 18:00

Sundays and public holidays: 10:00 to 16:00

Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Stratfield Mortimer Neighbourhood Development Plan (2017) and Policy ENV.16 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **21. Permitted uses within Class E**

The development shall be used for Use Class E(d) and E(e) 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

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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).

Reason: The application site is located within a rural location in which another use may not be appropriate including other uses within Use Class E in terms of a sustainable location and impact on highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS10, CS11 and CS13 of the West Berkshire Core Strategy (2006-2026), the Local Transport Plan for West Berkshire (2011-2026) and the NPPF.

### **Informatives**

#### **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 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.

#### **Pre-commencement conditions**

Conditions nos. 5 and 6 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

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

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

#### **Damage to the carriageway**

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

#### **European Protected Species Licence**

The applicants are reminded that a European Protected Species Licence may be required for some works proposed to be undertaken as part of this planning permission. It is recommended to seek advice from Natural England before works commence. If a licence is required this is required to be issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead before works commence.

#### **Great Crested Newt mitigation pond(s)**

The Council's Ecologist advises that the land owner/applicant may wish to consider giving over some of their land for the creation of GCN mitigation pond(s), if so please to speak with ourselves and the LPAs managing agents for the GCN District licence (NatureSpace). There is some remuneration for managing and giving land over to this purpose.

#### **Conversion**

This notice grants planning permission for the conversion of the existing timber cart shed to Wellbeing Centre. It does not grant planning permission for the demolition (in full or in

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part) and rebuilding of the building, except where expressly shown on the approved plans. Any material deviation from the approved plans could render the development liable to enforcement action. Such redevelopments or rebuilds are subject to more restrictive planning policies, and so planning permission may not be granted for an alternative scheme. You are therefore strongly advised to ensure conversion works are in accordance with the approved details, and to seek professional planning advice if any issues arise when carrying out conversion works.

*(The meeting commenced at 6.30pm and closed at 8.45pm)*

**CHAIRMAN** .....

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