

# DRAFT

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

## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 8 FEBRUARY 2023

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

**Also Present:** Sharon Armour (Principal Lawyer - Planning & Governance), Paul Goddard (Team Leader - Highways Development Control), Lydia Mather (Senior Planning Officer), Jake Brown (Principal Planning Officer), Bob Dray (Principal Planning Officer), Jack Karimi (Democratic Services Officer) and Lizzie Reeves (Business Analyst (Digital Services))

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

#### PART I

#### 24. Adjournment of Meeting

*(The meeting was adjourned at 6:31pm, and resumed at 6:32pm in the Roger Croft Room.)*

#### 25. Minutes

The Minutes of the meeting held on 23 November 2022, which had been approved at the previous meeting, were signed by the Chairman.

The Minutes of the meeting held on 18 January 2023 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

- Point 22 of Agenda Item 4(2) was amended to reflect that Councillor Carlyne Culver expressed surprise that it was possible to have a Part II discussion over biodiversity, not that it was necessary for the discussion to be Part II.

#### 26. Declarations of Interest

Councillor Carlyne Culver declared an interest in Agenda Item 4(1), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillor Carlyne Culver declared that she had been lobbied on Agenda Item 4(1).

Councillors Adrian Abbs, Jeff Beck, Jeff Cant, James Cole, Carlyne Culver, Clive Hooker and Tony Vickers declared that they had been lobbied on Agenda Item 4(2).

#### 27. Schedule of Planning Applications

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

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*Councillor Carlyne Culver declared an interest in Agenda Item 4(1), by virtue of the fact that the site was within her ward. As her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.*

*Councillor Carlyne Culver declared that she had been lobbied on Agenda Item 4(1).*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01336/OUTMAJ in respect of Institute for Animal Health, High Street, Compton.
2. Ms Lydia Mather 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 comments on the ownership certificates did not raise any land ownership matters and all other matters were unchanged, had been outlined previously, and had been considered when Western Area Planning Committee had reached its resolution on 23 February 2022. Therefore, officers recommended that the Committee confirm that the application could proceed in accordance with the previous resolution subject to the completion of the Section 106 agreement, and the updated conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Mr Mike Harris, applicant, addressed the Committee on this application.

### **Applicant Representation**

4. Mr Mike Harris, Homes England, in addressing the Committee raised the following points:
  - Mr Harris noted that the revision was due to unregistered land which had come up during the Section 106 process.
  - Mr Harris noted that the Section 106 agreement was progressing well and had been signed by Homes England. The points raised at the previous Committee meeting had been addressed, and Homes England was cooperating well with officers regarding the conditions.

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

5. Members did not have any questions of clarification.

### **Ward Member Representation**

6. Councillor Carlyne Culver in addressing the Committee raised the following points:
  - Councillor Culver noted that she was pleased that the Section 106 agreement had been signed and was with the Council.
  - Councillor Culver expressed disappointment as Ward Member that the local GP surgery had not previously taken the opportunity to respond to the consultation. Councillor Culver noted that residents were very much concerned about the increased pressure on the facility.

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

7. Members did not have any questions of clarification.

### **Member Questions to Officers**

8. Councillor Tony Vickers noted that he could not see any clear changes in the diagrams, and asked what changes had been made. Ms Mather responded that the

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diagrams were the same, but that the main issue was the ownership certificates, which had been clarified and the correct notices had been served.

9. Councillor Adrian Abbs concurred with Councillor Vickers. Mr Dray added that this area of land had come up during the Section 106 process, and was a technicality within the legislation presented largely as an informative.
10. Councillor Culver asked when the Section 106 agreements would be available for the Parish Councillors to look at. Ms Mather and Ms Sharon Armour responded that they were close to completion and could be released as early as the next day.

### Debate

11. Councillor Adrian Abbs proposed to accept Officer's recommendation and allow the application to proceed in accordance with the resolution of the Western Area Planning Committee of 23 February 2022, subject to the completion of the Section 106 and the updated conditions listed in the main report and update report. This was seconded by Councillor James Cole.
12. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Cole to allow the application to proceed in accordance with the resolution of the Western Area Planning Committee of 23 February 2022, subject to the completion of the Section 106 and the updated conditions listed in the main report and update report. At the vote the motion was carried unanimously.

**RESOLVED that** the application be permitted to proceed in accordance with the resolution of the Western Area Planning Committee of 23 February 2022, subject to the following conditions:

### Conditions

1. **Commencement of development – (full permission)**

The development for which full planning permission is hereby granted (being the demolition of existing buildings, structures and hardstanding along with preparatory works including earthworks, remediation, utility works and associated mitigation measures. The change of use of land including the creation of public open space and wildlife area) shall be begun before the expiration of three years from the date of this permission. This relates to the land shown on parameters plan: green infrastructure 102G, except that shown as built development as set out in condition 2.

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. **Phasing plan (full permission - demolition)**

The demolition hereby permitted shall be carried out in accordance with the approved phasing demolition plan 105B unless otherwise agreed in writing by the Local Planning Authority.

Reason: To facilitate the phasing of the development in the interests of timely infrastructure delivery, phased CIL payments, self-build delivery and project delivery. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026.

3. **Phasing plan (outline)**

A phasing plan shall be submitted to the local planning authority for approval before or alongside the first application for reserved matters approval. The

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phasing plan shall identify all phases of development by which the development for which outline planning permission is hereby granted shall be undertaken. No development for which outline planning permission is hereby granted shall take place until the phasing plan has been approved by the local planning authority. Thereafter the development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

Reason: To facilitate the phasing of the development in the interests of timely infrastructure delivery, phased CIL payments, self-build delivery and project delivery. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because the phasing plan will need to be adhered to throughout the entire construction phase.

### 4. **Approval of reserved matters**

Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for each phase of development for which outline planning permission is hereby granted shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase takes place. The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### 5. **Time limit for reserved matters**

Applications for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### 6. **Commencement of development (phased outline)**

The commencement of each phase of development for which outline planning permission is hereby granted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved for that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### 7. **Approved plans**

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

Location Plan 008B

Parameter Plan: Land Use 101D

Parameter Plan: Movement 103D

Parameter Plan: Green Infrastructure 102F

Bat house design 113

Churn Road Intervet HVG access SK002A

Churn Road Intervet car park access SK003A

With the exception of the visibility splay proposed access arrangements SK001

Demolition plan 105B

The following documents shall inform the reserved matters:

The Former Pirbright Institute Compton Environmental Statement, Appendices and Addendums

Outline Construction Resource Management Plan

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Outline Operational Waste and Recycling Management Strategy  
Transport Assessment ref 60544578  
Framework Residential Travel Plan  
Revised Flood Risk Assessment  
Drainage Technical Note  
Hydrology Review October 2021  
Non Real Time Hydraulic Model Review October 2021  
Biodiveristy Net Gain Calculation  
Amended Arboricultural Impact Assessment Report Revision 003

Reason: For the avoidance of doubt and in the interest of proper planning. Outline planning permission is granted solely on the basis of the parameters within these approved details.

### 8. **Access construction before occupation**

Unless otherwise agreed in writing with the local planning authority, no building within a phase shall be first occupied until the vehicular, cycle and pedestrian accesses (together with all associated engineering operations) have been provided and completed in accordance with the approved access plans SK002A and SK003A, and for the proposed access arrangements off the High Street the details including sight lines which have been submitted to and approved in writing by the local planning authority. The final phase shall not be occupied until all vehicular, cycle and pedestrian accesses (together with all associated engineering operations) have been provided and completed.

Reason: In the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026). Access arrangements for construction fall within the remit of the Construction Method Statement.

### 9. **Layout and Design Standards**

No development for which outline permission is hereby granted shall commence until drawings and details illustrating how the Local Planning Authority and Highway Authority's standards in respect of road and footpath design, vehicle parking and turning provision will be met, have been submitted to and approved in writing by the Local Planning Authority. That submitted information shall include details of engineering work specifications; the methodology for the monitoring, and the staged evidencing of, the provision of the necessary works to an adoptable standard. This condition shall apply notwithstanding any indications to these matters which have been given in the current application. No building within a phase shall be first occupied until the road and footpath design, vehicle parking and turning has been provided in accordance with the approved details for that phase.

No works to provide roads, footpaths or cyclepaths, vehicle parking and turning for which full planning permission is hereby granted shall commence until drawings and details illustrating how the Local Planning Authority and Highway Authority's standards in respect of road and footpath design, vehicle parking and turning provision will be met, have been submitted to and approved in writing by the Local Planning Authority. That submitted information shall include details of engineering work specifications; the methodology for the monitoring, and the staged evidencing of, the provision of the necessary works to an adoptable standard. This condition shall apply notwithstanding any indications to these matters which have been given in the current application. The full planning permission shall not be brought into use until the roads, footpaths or cyclepaths, vehicle parking and turning have been provided in accordance with the approved details.

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Reason: In the interest of future maintenance, road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework 2021, 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).

10. **Set back of gates**

Any gates to be provided at the vehicle accesses, shall open away from any adjoining highway and be set back a distance of at least 5 metres from the edge of the highway. No part of the development shall be brought into use until the gates have been provided.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

11. **Gradient of private drives**

The detailed layout of the site shall ensure the gradient of private drives does not exceed 1 in 12 to enable them to be occupied by all users including those with mobility impairments.

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

12. **Parking**

No phase of the development hereby granted outline planning permission shall take place until details of vehicle parking and turning spaces for that phase have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until vehicle parking and turning spaces for that dwelling have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

No building within the development hereby granted full planning permission shall be brought into use until the parking and turning spaces have been completed in accordance with details (including any surfacing arrangements and marking out) which have first been submitted to and approved in writing by the Local Planning Authority of vehicle parking and turning spaces for that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026. A pre-commencement condition is necessary because the parking arrangements will need to be determined before any construction to ensure it can be accommodated within the space available.

13. **Dwelling height**

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The detailed scale and appearance of the dwellings shall ensure no more than 5% of dwellings are 2.5 storeys in height, at least 5% of dwellings are single storey in height, and the remainder of dwellings shall be no greater than 2 storeys in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the detailed design of the housing development hereby approved responds to the local character and setting in the North Wessex Downs Area of Outstanding Natural Beauty. The illustrative masterplan has been assessed on the basis of all dwellings being 2 storey. This condition is applied in accordance with the National Planning Policy Framework, Policy ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and policy HSA23 of the Housing Site Allocations DPD 2006-2026.

### 14. **Design Code**

With the exception of demolition and contamination remediation no phase of the development hereby granted outline planning permission, or works associated with the full permission shall commence until a design code has been submitted to an approved in writing by the Local Planning Authority for that phase of the development. The design code shall include addressing the following matters:

- Avoid over dominance of car parking at the front of dwellings in particular onto the green street;
- Avoid long stretches of rear boundary fences/walls in particular fronting public open spaces;
- Provide attractive facades where housing fronts the cricket pitch and conservation area;
- Avoid locating LEAP and LAPS that involve crossing primary internal roads to reach them, and avoid being located in areas with no natural overlooking from dwellings;
- Avoid strategic tree planting within the private gardens;
- Public open spaces, particularly within the areas to be developed, to be based around the trees to be retained;
- Be developed in consultation with the local community;
- Use the Building for a Healthy Life assessment framework;
- Identify opportunities to draw its energy supply from decentralised, renewable or low carbon energy supply systems.

Reason: To ensure the detailed design of the development responds to the character of the site and surrounding area in the AONB, and takes account of the natural constraints on site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, and policy HSA23 of the Housing Site Allocations DPD 2006-2026.

### 15. **Tree Protection**

No phase of the development hereby granted outline planning permission, and no demolition, access construction, or ground works associated with the full permission, shall take place (including all preparatory work) until protective fencing and measures have been provided for the protection of the retained trees in accordance with the Arboricultural Assessment 60544578\_DOC\_005 for that phase of the development. The approved tree protection measures shall be implemented in full and maintained for the duration of the development works. Within the fenced areas there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the trees to be retained will not be damaged during the development and to protect and enhance the appearance and character of the site and locality, in accordance with the National Planning Policy Framework and

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Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 16. **Archaeological supervision**

No phase of the development hereby granted outline planning permission, demolition, or ground works associated with the full permission, shall take place until the applicant has secured the implementation of a programme of archaeological work (phased as appropriate) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement for each phase and for the full permission part of the development.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework and policy CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; archaeological deposits require investigation and supervision before and during the development works and so it is necessary to approve these details before any development takes place.

### 17. **Building recording**

No development including demolition shall commence until the applicant has secured the implementation of a programme of building recording (phased as appropriate) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement for each phase and full permission part of the development.

Reason: To ensure that an adequate record is made of this site of historical interest. This condition is applied in accordance with the National Planning Policy Framework and policy CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; archaeological deposits require investigation and supervision before and during the development works and so it is necessary to approve these details before any development takes place.

### 18. **Contaminated land (investigation and remediation)**

No phase of the development\* hereby granted outline planning permission, demolition, or ground works associated with the full permission, shall take place until a scheme to deal with contamination including water quality at the site has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall take account of the suggested mitigation in the Environment statement and:

- (a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).
- (b) Include a remediation scheme\* which ensures that, after remediation, as a minimum, the land (including water) shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
- (c) Include a monitoring and maintenance scheme\* to ensure the long-term



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effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.

- (d) 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), and conducted in accordance with current best practice.
- (e) Include an evacuation plan.

Thereafter, any approved remediation scheme and/or monitoring and maintenance measures for a phase or full permission part of the development shall be carried out in accordance with the approved details for that phase or full permission part of the development. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme.

If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. Thereafter, any remediation measures shall be carried out in accordance with the approved details.

The development shall not be occupied\* until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

(\* Unless otherwise agreed in writing by the LPA)

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

A pre-commencement condition is required because insufficient detailed information accompanies the application; land contamination mitigation measures may require work to be undertaken prior to and throughout the development works and so it is necessary to approve these details before any development takes place.

### 19. **Construction method statement**

No phase of the development hereby granted outline planning permission shall commence until a Construction Method Statement (CMS) (phased as appropriate) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction works shall be undertaken in accordance with the approved CMS.

No demolition or ground works associated with the full permission shall commence until a Construction Method Statement (CMS) (phased as appropriate) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and ground works shall incorporate and be undertaken in accordance with the approved CMS.

The CMS shall take account of the suggested mitigation in the Environmental Statement and include measures for:

- (a) A site set-up plan during the works;

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- (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) The proposed method of piling for foundations (if any);
- (j) A scheme for recycling/disposing of waste resulting from construction works;
- (k) Hours of construction and demolition work;
- (l) Hours of deliveries and preferred haulage routes including to avoid school hours for HGVs;
- (m) Ensuring public rights of way are kept open and unobstructed throughout the development
- (n) Lighting of areas and construction compounds

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, CS14, CS17 and CS18 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.

### 20. **Construction Environmental Management Plan (Biodiversity)**

No phase of the development hereby granted outline planning permission, shall commence (including vegetation clearance) until a Construction Environmental Management Plan (CEMP) (phased as appropriate) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to and implemented throughout the outline permission development works strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

No demolition or ground works associated with the full permission shall commence (including vegetation clearance) until a Construction Environmental Management Plan (CEMP) (phased as appropriate) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to and implemented throughout the full permission development works strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The CEMP shall take account of the suggested mitigation in the Environmental Statement and 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 including protected species.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.

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- (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 development works or phase thereof strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure biodiversity is protected during the development works. This condition is required in order to meet the policy objectives of the National Planning Policy Framework and West Berkshire Core Strategy 2006-2026 Policy CS17.

A pre-commencement condition is required because insufficient detailed information accompanies the application; environmental measures will be required prior to and during the development works and so it is necessary to approve these details before any development takes place.

### 21. **Ecological Mitigation and Enhancement Plan**

No phase of the development hereby granted outline planning permission, shall commence until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. With the exception of ongoing measures after construction no phase shall be brought into use or occupied until the mitigation and enhancement measures have been provided in accordance with the approved details for that phase.

No demolition or works associated with the full permission shall take place until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. With the exception of ongoing measures after construction no part of the full permission development shall be brought into use, until the mitigation measures have been provided in accordance with the approved details.

The plan shall take account of the suggested mitigation in the Environment Statement and include adequate details of the following:

- (a) Description and evaluation of features to be managed and created.
- (b) Aims and objectives of management.
- (c) Appropriate management options to achieve aims and objectives.
- (d) Prescriptions for management actions.
- (e) Preparation of a costed schedule for securing biodiversity enhancements in perpetuity.
- (f) Ongoing compliance reports, monitoring and remedial measures.
- (g) How the habitat enhancements will be managed long term to ensure a net gain legacy.
- (h) Measures to build biodiversity into the design of the new dwellings, providing details of location and design of features, e.g. bird and bat boxes integrated into buildings, bat lofts, fence holes for hedgehogs, access points for badgers, ponds for amphibians, banks for bees.
- (i) Description of how the developer expects to ensure no impact on protected species on site during construction and through scheme design.
- (j) Sensitive Lighting Strategy during construction and once the site is in operation (to minimise adverse impacts on bat species present).
- (k) A biodiversity net gain calculation demonstrating at least 10% net gain.

Proposed enhancements should be based on the recommendations of the ecological reports submitted in support of this application.

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Reason: To ensure biodiversity is enhanced and maintained. This condition is required in order to meet the policy objectives of the National Planning Policy Framework and West Berkshire Core Strategy 2006-2026 Policy CS17, and to ensure compliance with the statutory requirements of relevant protected species legislation and the NERC Act 2006. A pre-commencement condition is required because insufficient detailed information accompanies the application; ecological mitigation will be required prior to, during and subsequent to the development works and so it is necessary to approve these details before any development takes place.

### 22. **Submission of a copy of the EPS licence**

No demolition works shall in any circumstances commence unless the Local Planning Authority has been provided with either:

- (a) A licence 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; or
- (b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. This "strict protection" condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.

### 23. **Flood risk - finished floor levels and ground levels**

The development shall be carried out in accordance with the submitted flood risk assessment (ref 5<sup>th</sup> August 2021/60544578 R001/AECOM) and the following mitigation measures it details:

1. Finished floor levels shall be set no lower than 101.6 metres above Ordnance Datum (AOD)
2. There shall be no raising of existing ground levels on the site

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.

This condition is applied in accordance with policy CS16 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

### 24. **No infiltration drainage**

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

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Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants or flood risk to people and property. This condition is applied in accordance with paragraph 174 of the National Planning Policy Framework and policy CS16 of the West Berkshire Core Strategy 2006-2026.

### 25. **Sustainable drainage**

No phase of the development hereby granted full planning permission shall commence until details of sustainable drainage measures to manage surface water have been submitted to and approved in writing by the Local Planning Authority (phased as appropriate). Unless otherwise agreed in writing by the Local Planning Authority, a phase shall not be occupied until all approved remediation measures for that phase have been completed and a verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the LPA. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

No ground works associated with the full permission shall commence until details of sustainable drainage measures to manage surface water have been submitted to and approved in writing by the Local Planning Authority (phased as appropriate). Unless otherwise agreed in writing by the Local Planning Authority, the full permission shall not be brought into use until all approved remediation measures for the full permission part of the development have been completed and a verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the LPA. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

These details shall take into account the suggested mitigation in the Environmental Statement and:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) If required include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding (in Flood Zone 2 and 3 or from surface water) or developments larger than 1 hectare;
- c) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site;
- d) Include full information of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and, where the flows exit the site, both pre-development and post-development information shall be provided;
- e) Demonstrate that proposed finished floor levels are set in accordance with Environment Agency requirements;
- f) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than 1 in 1 year Greenfield run-off rates;
- g) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365

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- methodology;
- h) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and if infiltration measures are proposed the infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
  - i) Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development;
  - j) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
  - k) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain;
  - l) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
  - m) Show that attenuation storage measures have a 300mm freeboard above maximum design water level. Surface conveyance features shall have a 150mm freeboard above maximum design water level;
  - n) Include written confirmation from Thames Water of their acceptance of the discharge from the site into any surface water sewer and confirmation that the sewer network has the capacity to take this flow;
  - o) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
  - p) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
  - q) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
  - r) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
  - s) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc).

Thereafter the development shall incorporate and be undertaken in accordance with the approved measures for each phase.

Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be occupied until all approved remediation measures have been completed and a verification report a verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the LPA. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

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Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the development works and so it is necessary to approve these details before any development takes place.

### 26. **Ground levels and finished floor levels**

No phase of the development hereby granted full planning permission shall commence until details of existing and proposed ground levels, and finished floor levels of the dwellings (phased as appropriate), have been submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling shall be occupied within a phase until the ground and floor levels have been provided in accordance with the approved details for that phase.

No ground works associated with the full permission shall commence until details of existing and proposed ground levels and finished floor levels where relevant (phased as appropriate) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the parkland shall not be brought into use until the ground levels have been provided in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; ground levels will be an early development operation and so it is necessary to approve these details before any development takes place.

### 27. **Spoil**

No phase of the development hereby granted outline planning permission shall commence until details of how all spoil arising from that phase of the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority (phased as appropriate). All spoil arising from a phase of the development shall be used and/or disposed of in accordance with the approved details for that phase.

No ground works associated with the full permission shall commence until details of how all spoil arising will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority (phased as appropriate). All spoil arising from the full permission shall be used and/or disposed of in accordance with the approved details.

These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil from the site (that is not to be

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- deposited);  
(d) Include timescales for the depositing/removal of spoil.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because insufficient information accompanies the application and spoil may arise throughout the development works and so it is necessary to approve these details before any development takes place.

### 28. **Piling**

No piling shall take place unless and until a piling method statement (phased as appropriate) (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Thereafter any piling shall be undertaken in accordance with the terms of the approved piling method statement for that phase.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. This condition is applied in accordance with the National Planning Policy Framework.

Information: Please read the Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water - Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

### 29. **Works in proximity to water main**

No construction shall take place within 5m of the water main. No phase of the development hereby granted outline planning permission, or ground works associated with the full permission shall take place until information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. This condition is applied in accordance with the National Planning Policy Framework. A pre-commencement condition is required to ensure damage does not occur during the construction phase.

Information: Please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your->



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[development/Working-near-or-diverting-our-pipes](#) Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

### 30. **Foul water network upgrades**

No dwelling shall be occupied until confirmation has been provided that all foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. This condition is applied in accordance with the National Planning Policy Framework.

### 31. **Water network upgrades**

1. No dwelling shall be occupied until confirmation has been provided that all water network upgrades required to accommodate the additional flows to serve the development have been completed.

Reason: The development may low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. This condition is applied in accordance with the National Planning Policy Framework.

### 32. **Public footpaths**

No phase of the development for which outline planning permission is hereby granted shall commence until details of the public footpaths for that phase have been submitted to and approved in writing by the Local Planning Authority.

No ground works associated with the full permission hereby granted shall commence until details of the public footpaths for the full permission part of the development have been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- (a) Alignment including width;
- (b) Surfacing materials/treatment;
- (c) If required measures to prevent cycles and/or motorcycles access;
- (d) Pedestrian safety measures if the footpaths are crossed by roads;
- (e) Any tree works necessary in proximity to footpaths to ensure public safety;
- (f) Signage for rights of way users/vehicle drivers;
- (g) Any means of enclosure;
- (h) A timetable for the implementation of all footpath infrastructure in conjunction with the phasing of development.

The public footpaths shall be provided in accordance with the approved details and timetable, and completed prior to the first occupation of the final dwelling.

Reason: To protect and enhance public rights of way and green infrastructure. This condition is applied in accordance with the National Planning Policy Framework, policies CS14 and CS18 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application so it is necessary to approve these details before any development takes place.

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### 33. **Zero Carbon Strategy (addition)**

No phase of the development hereby granted outline planning permission shall commence until a strategy on the measures to be provided and calculations demonstrating that the residential development shall achieve zero carbon (phased as appropriate) in line with policy CS15 of the West Berkshire Core Strategy 2006-2026 has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the measures for that dwelling have been provided in accordance with the approved strategy.

Reason: To ensure the development provides a carbon reduction in accordance with the National Planning Policy Framework, and policy CS15 of the West Berkshire District Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application so it is necessary to approve these details before any development takes place.

### 34. **Intervet noise assessment and mitigation**

No dwelling shall be first occupied until mitigation measures to protect its occupants from externally generated noise have been provided in accordance with a scheme of works that has first been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be informed by an appropriately detailed investigation to address the noise impacts from the commercial use (Intervet) on site.

Reason: To protect future occupiers of the development from excessive noise levels from the commercial use on site, to ensure a good standard of amenity. The approval of this information is required before occupation because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.

### 35. **Hard landscaping of public open space/wildlife habitat areas**

A detailed scheme of hard landscaping for the open space and wildlife habitat areas shall be 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), hard surfaced areas (e.g. paths, decking) and any other hard landscaping features to be provided as part of the development. Unless otherwise agreed in writing by the Local Planning Authority, the change of use to parkland shall not take place until the hard landscaping of the site has been completed in accordance with the approved details or in accordance with an agreed schedule of phasing.

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.

### 36. **Soft landscaping of open space/wildlife habitat areas**

The change of use to open space and wildlife habitat areas shall not take place until a detailed soft landscaping scheme for the parkland 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 use as open space and wildlife habitat (whichever occurs first) or in accordance with an

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agreed schedule of phasing. 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 the approved soft landscaping scheme or the timescale agreed as part of the Environmental Enhancement & Management Plan 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.

### 37. **Landscape management plan (for the open space and wildlife habitat)**

The change of use to open space and wildlife habitat shall not take place until a landscape management plan for the parkland including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years or the timescale agreed as part of the Environmental Enhancement & Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping. Thereafter the development shall be managed in accordance with the approved details.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 38. **Public open space infrastructure**

The change of use to public open space and wildlife habitat areas shall not take place until benches, signage, children play equipment and any means of enclosure have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure there is adequate public parkland infrastructure for users in the interest of amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

### 39. **Lighting strategy (AONB/Ecology)**

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

No external lighting within the area of the full permission shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall:

- (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.
- (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.
- (c) Include isolux contour diagram(s) of the proposed lighting.
- (d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.

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No external lighting shall be installed on site except in accordance with the approved strategy.

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

### 40. **Travel Plan**

No dwelling shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented with the first occupation of the residential development hereby permitted. Written notice of first occupation shall be given to the Local Planning Authority within one week of such occupation. The Travel Plan shall be reviewed (and updated if necessary) within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006).

### 41. **Refuse Storage (prior approval)**

No dwelling shall be first occupied until storage area(s) for refuse and recycling receptacles (and collection areas if necessary) for that dwelling has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).

### 42. **Cycle storage (prior approval)**

No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).

### 43. **Electric vehicle charging points (prior approval)**

No dwelling shall be first occupied until an electric vehicle charging point has

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been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

### 44. **Emergency water supplies**

No dwelling shall be occupied until either:

- (a) Private fire hydrant(s), or other suitable emergency water supplies, have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority; or
- (b) Royal Berkshire Fire and Rescue Service confirm that such provision is not required (for example, because a public mains water supply for the development provides sufficient supply) and confirmation of the same has been given in writing by the Local Planning Authority pursuant to this condition.

Reason: At present there are no available public mains in this area to provide suitable water supply in order to effectively fight a fire. Suitable private fire hydrant(s), or other suitable emergency water supplies, are therefore required to meeting Royal Berkshire Fire and Rescue Service requirements, in the interests of public safety. The approval of this information is required before development commences because insufficient information accompanies the outline application and it will affect the servicing of the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy 2006-2026.

### 45. **Use of community building**

The community buildings shown as the retained buildings on the demolition plan 105C hereby permitted shall be used under Use Class E, Use Class F1, or Use Class F2 and for no other purpose under the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: As part of a wider residential development the building is to provide for the community and not as offices or an industrial process – those uses are directed by the Development Plan Policies to employment areas. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, CS9, CS11 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 of the West Berkshire District Local Plan (Saved Policies 2007).

### 46. **Operating hours (use/activity – community building)**

The use of the community building hereby permitted shall not take place outside of the following hours:

Mondays to Fridays: 07:00 to 22:00

Saturdays: 07:00 to 23:00

Sundays and public holidays: 09:00 to 18:00

Unless otherwise agreed in writing by the Local Planning Authority.

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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) and Policy OVS.6 of the West Berkshire District Local Plan (Saved Policies 2007).

47. **Music (community building)**

No amplified or other music shall be played on the premises of the community building outside of the following hours:

Mondays to Fridays: 08:00 to 22:00

Saturdays: 08:00 to 23:00

Sundays and public holidays: 09:00 to 18:00

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) and Policy OVS.6 of the West Berkshire District Local Plan (Saved Policies 2007).

**(2) Application No. and Parish: 22/00897/RESMAJ, Land South Of Tower Works, Lambourn Woodlands, Hungerford**

*Councillors Adrian Abbs, Jeff Beck, Jeff Cant, James Cole, Carolyne Culver, Clive Hooker and Tony Vickers declared that they had been lobbied on Agenda Item 4(2).*

13. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/00897/RESMAJ in respect of Land South of Tower Works, Lambourn Woodlands, Hungerford.
14. Mr Jake Brown, 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 of Development and Regulation be authorised to grant reserved matters approval, subject to the conditions outlined in the main and update reports.
15. The Chairman asked Mr Paul Goddard, Highways, if he had any observations relating to the application. Mr Goddard noted that matters of traffic generation and impact were considered by the Committee at outline stage and were found to be acceptable. The layout of the site and access were reserved matters before the Committee. The access route had been relocated 60 metres to the south, but remained compliant with all standards. Traffic generation had not changed, and was acceptable from a Highways perspective. Car parking provision was for 90 spaces for employees, as well as an additional ten for the museum, which was sufficient, as well as numerous electric vehicle charging points and cycle sheds. Highways therefore had no objections, and recommended approval of the planning application.
16. In accordance with the Council's Constitution, Ms Bridget Jones, Parish Council representative, Mr Tony King, Ms Sam Coppinger, and Mr Alan Pearce, objectors, Mr Philip Walker, applicant, and Ms Elizabeth Dabell, Mr Jim Tarzey, Mr Paul Reid and Mr William Flloyd, agents, addressed the Committee on this application.

**Parish Council Representation**

17. The Chairman moved to suspend standing orders to allow Ms Bridget Jones, who had not been registered to speak, to speak on behalf of Lambourn Parish Council. This motion was approved unanimously.

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18. Ms Bridget Jones, Lambourn Parish Council, in addressing the Committee raised the following points:
- In the view of the Parish Council, the inclusion of allowed aircraft movements to the application meant that there had been a material change of intended use for the building from that of a museum to that of an aircraft hangar.
  - The original application was for a private museum open up to 25 days a year. As there was no traffic data for the site within the Travel Plan, the original application was deemed unsustainable.
  - On landscaping, a line of trees had been removed from the site to allow access to the runway. This occurred after the AONB (Area of Outstanding Natural Beauty) consultee had submitted their opinion, which stated that the negative impacts on the environment of the AONB from the development outweighed the economic benefits.
  - The building would be particularly wide, and would disrupt the sight-lines within the AONB, out of keeping with AONB policy.
  - The turning circle provided was inadequate for larger vehicles to be able to access the site.
  - Parking was inadequate to address the larger number of employees expected at the site, which had risen from 40 to 150-200. Access to the site by local transport was non-existent.
  - A pinch point near the site does not allow two HGVs to pass safely. The site owner encouraging staff to cycle to work was ill-advised considering the busy roads.
  - A Flood Risk Assessment, which would have highlighted the existing issue with flooding that would be exacerbated by the development, had not been undertaken.
  - The small reed bed proposed to deal with contamination and foul water was insufficient to resolve the issue.
  - The inconsistencies between the applications submitted, taken in their totality, are significant. Ms Jones questioned how much indicative plans could be changed before the applicant was expected to submit a new application.
  - An application under Section 73 of the Town and Country Planning Act 1990 had not been submitted, therefore floor space was required to remain the same. The internal altering of use to B8, which would accommodate a working plane, should be considered.
  - The Civil Aviation Authority should have been consulted on the use of aircraft, but was not due to the fact that the use of aircrafts were not raised during the outline stage by either the case officer or the applicant.

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

19. Councillor Adrian Abbs asked Ms Jones to elaborate on the assertion that trees had been removed. Ms Jones responded that trees had been removed on the west of the site to make space for the runway. These trees would have assisted with the site's carbon footprint.
20. Councillor Abbs asked Ms Jones to expand on the flooding issue. Ms Jones responded that the Council was aware of the flooding issue, with a senior officer contacted and an investigation ongoing. The flooding occurs down the Membury

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Access Road, and any development which would remove vegetation from the area would exacerbate the issue.

21. Councillor Phil Barnett asked whether Lambourn Parish Council would have approved of a simple museum rather than an airfield or aircraft hangar. Ms Jones responded that Lambourn Parish Council were opposed to any plane movement on the site, and that the application had changed from a static exhibit to an active airfield. Ms Jones noted the number of plane movements had changed and questioned how it would be enforced by the Council.
22. Councillor Tony Vickers asked whether Ms Jones agreed that the outline of the initial planning application involved tree removal to make way for an airfield. Ms Jones responded that it was never stated that trees would be removed for a live airfield. Councillor Vickers responded that it was never stated that trees would not be removed, but it was evident from the plan. Ms Jones disagreed that it was evident.
23. The Chairman asked how Ms Jones had reached the conclusion that the intended use had changed from a museum to an aircraft hangar. Ms Jones responded that the initial plan was for a static museum exhibit, and would now be used to taxi planes to air shows.
24. The Chairman asked for comment on the lack of suggestion within the plan that any planes would fly on the site. Ms Jones responded that the plans were for air shows on Membury Air Field, where no air shows had taken place for twelve years. The Chairman noted that the Committee could not consider supposition that no air shows had taken place and would take place in future.
25. Standing orders were resumed.

### **Objector Representation**

26. Mr Tony King, Woodland Protection Group, in addressing the Committee raised the following points:
  - The Proposed Building Floor Plan presented to the Committee was incorrect as it did not show the full extent of the shed.
  - The application includes a number of changes to the outline plan, some of which were fundamental.
  - There was a reduction of rainfall storage in the application, which was an issue due to the regular incidents of flooding in the area, and it was necessary to undertake a further Flood Risk Assessment.
  - The museum was in fact a hangar for the storage and use of aircraft, and the number of aircraft movements could only be constrained by the refusal of further planning applications to increase them. This was not discussed at the outline stage.
  - The Environmental Impact Assessment (EIA) screening carried out was insufficient, and the expansion of the airfield over one hectare must have been assessed under the EIA Regulations.
  - Condition 9, referring to zero carbon, had not come forward with the application, as the development as a whole was not carbon neutral. A Carbon Emission Assessment was necessary, taking into account the increase in road traffic, air traffic and changes to the landscaping.
  - The new proposed building is 7 metres longer, and 15 metres narrower than the approved plan. This would make the building more prominent in the landscape,



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and change its operational space. The operation of the building would change from the outline plan stage.

- The application would increase the number of employees from 40 to 200, the throughput, and the number of HGV movements. The personal condition was a redundant concession to the applicant.
- The Highways Department had stated that due to the parking situation, the development was unsustainable and in direct conflict with the Council's Climate Emergency Declaration.
- The increase of traffic levels by four or five times meant that the application had no merit in environmental terms.
- The attempts by the applicant to have the development approved had resulted in fundamental changes from the outline planning stage had not been properly scrutinised, and the application should not be taken forward.
- The Committee could impose conditions in perpetuity, reducing the traffic levels to that at outline stage, requiring that the building generate zero aircraft movements, and requiring that there is a wall separating the Class 1 and Class 8 areas of the building.

27. Ms Sam Coppinger in addressing the Committee raised the following points:

- A Flood Risk Assessment had not taken place, which was contrary to the requirements of Policy CS16. The provided statement was not lawful as it did not address flooding on and off the site.
- The D1 use class for a museum did not give permission for the building to be an aircraft hangar. The proposal made no mention of an operational aircraft.
- The red line in the outline stage plan and the reserved matters screen did not include the airfield and taxiing strip.
- An Environmental Impact Assessment was incorrect as it was for an industrial estate, not an expansion of an airfield over a hectare. This required a public consultation.
- Planning Practice Guidance within the National Planning Policy Framework (NPPF) stated that a personal condition of a limited company was inappropriate and unenforceable.

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

28. Councillor Vickers asked why the reduction in rainfall storage ponds was relevant if the outcome was the same. Mr King responded that a proper appraisal had not been carried out.

29. Councillor Vickers noted that aircraft movements were currently legal on the site. Mr King responded that that was incorrect. Ms Coppinger noted that there was a certificate of lawfulness from a previous application in 1995 which allowed it, and it was therefore inappropriate to set as a condition.

30. Councillor Vickers asked whether the objectors were concerned that part-time employees would create more traffic than if the employees were full-time. Mr King responded that personal permission allowed the applicant to suppress the true traffic numbers. Mr King suggested that the true number of traffic movements per day would be 800 rather than 125.

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31. Councillor Abbs asked for a full explanation of the issue regarding the personal condition. Mr King responded that a development of this size would use a TRICS (Trip Rate Information Computer System) model to set out expected traffic movements. The application in question used a different model which utilised floor space, and assumed that they would own the sheds in perpetuity. Ms Coppinger noted that it was inappropriate for a limited company to have such a personal condition as the company's ownership could change. Mr Alan Pearce noted that traffic did not come into the issue of scale. Mr Bob Dray clarified that the reserved matters were the closer details of an application, and access and the scale of the application were two of the five parameters within reserved matters.

### **Applicant and Agent Representation**

32. Mr Philip Walker, applicant, in addressing the Committee raised the following points:
- At the time Mr Walker purchased the site 25 years ago, it consisted of neglected commercial buildings and storage. The buildings were remodelled over time into a functional logistics facility, which now employs over 150 members of staff. The business plan is to continue to grow, and continue to be based at Membury.
  - In 2019, the company started the process of trying to obtain planning permission, gaining outline consent in 2021. The new building, once completed and fully operational, would create a predicted 200 additional jobs.
  - Mr Walker's family was passionate about Second World War history, and the role Membury played during it. The outline application was for a museum to show the story of Membury.
  - 10 years ago, the Walker family acquired a Dakota aircraft which had operated from Membury during the Second World War. The aircraft was potentially able to be flown again from 2023, and could form part of a display at the museum.
  - The museum would not be used as an operation aircraft hangar. The Dakota had to be primarily situated at an airport with refuelling and maintenance facilities. The aircraft would only be brought to Membury for display purposes for five times each year, during the summer months.
  - If residents were resolutely opposed to the aircraft's presence, Mr Walker offered to agree to not be positioned within the museum.
33. Ms Elizabeth Dabell, on behalf of Cornish Architects, in addressing the Committee raised the following points:
- The design had been developed to suit the requirements of the site's operational needs, with input from specialist consultants, and amended in response to comments from the Council's officers and other consultees.
  - The proportions of the building had been adjusted, moving the eastern elevation further into the site. Combined with the revised access and gentle bends within the access roads, this allowed more space.
  - The finished floor levels were set at mid-ground level. Outside the building, paths would be set to allow for even access.
  - The building height proposed was 11.3 metres, rather than the 12.6 previously proposed.
34. Mr Jim Tarzey, on behalf of Pegasus Group, in addressing the Committee raised the following points:

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- The details of the proposal were important regarding the sensitive AONB location. The controls set out by the outline conditions had been adhered to, with the development broadly fitting the outline drawings.
- Considerable effort had been made to ensure that the building and surrounding landscape were in harmony with each other.

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

35. Councillor Jeff Beck asked whether the limited number of aircraft movements was sustainable considering the potential issues the plane may experience. Mr Walker responded that the site was not suitable for maintenance of the plane and it would only be possible to take off and land. The Membury site would not be used to house the plane.
36. Councillor Beck asked for clarification of when the museum would be open. Mr Walker responded that it would be open 27 days a year, and run by volunteers.
37. Councillor Beck asked what the capacity of the museum would be. Mr Walker responded that there were ten parking spaces and some of the employee parking could be used at weekends.
38. Councillor James Cole asked what the museum would be used for if it did not exhibit the plane. Mr Walker responded that there are a number of historical artefacts from another museum which could be exhibited, as well as six military vehicles and a number of uniforms.
39. Councillor Cole what the hours of operation would be. Mr Walker responded that it would be open 8:30am to 6:30pm, and that he was conscious of light pollution. Mr Tarzey responded that light pollution was covered by a condition at the outline stage. Ms Dabell noted that all external lighting would have proximity sensors to turn off when not being used.
40. Councillor Cole asked whether the hedge that would be removed was a Countryside Stewardship Hedge. Mr Walker responded that the hedges were not, and they were planted by him 15 years ago. The trees were planted 27 years ago and was a patch of rubble previously.
41. Councillor Abbs asked how many traffic movements involving the military vehicles were expected, based on where they were currently exhibited. Mr Walker responded that they were not currently exhibited, and were currently situated in his private barn.
42. Councillor Barnett noted the removal of trees on one boundary, and asked whether consideration had been made to the nesting birds. Mr Tarzey responded that the trees had to be removed, and that the removal of any vegetation or trees was controlled by the Wildlife and Countryside Act 1981, and would be done outside of the nesting season.
43. Councillor Abbs asked whether Mr Walker had rights over the roads leading up to the airfield. Mr Walker responded that he did not. Councillor Abbs asked why the access point had therefore been moved. Mr Tarzey responded that there were two reasons: they had taken advice from Highways consultants to move it away from the two closest residential buildings, and it was a better location for visibility.
44. The Chairman asked whether the plane will be tugged from the runway to the museum. Mr Walker responded that the plane will land on the grass and be tugged by a Second World War tug, as driving it directly would be too dangerous.
45. The Chairman asked how far away from the museum the plane would cut its engines. Mr Walker estimated that it would be 800 metres.

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### **Ward Member Representation**

46. Councillor James Cole, speaking on behalf of Councillor Howard Woollaston, in addressing the Committee raised the following points:

- Councillor Woollaston noted that he had been lobbied extensively by residents to oppose any further intensification of use of the Membury Industrial Estate.
- There had been a significant increase in HGV travel, which had doubled in recent years and had occurred at unsociable times. The flood risk of the area had increased, as had light pollution. It was due to those concerns that Councillor Woollaston had voted against the original outline application.
- The grounds for support were the creation of 200 jobs, supporting a local business, and the creation of a museum to house the Dakota aircraft and rehousing some artefacts from the RAF Welford Museum collection. Councillor Woollaston reiterated his view that the Committee got the decision wrong.
- Councillor Woollaston noted that he viewed Walker Logistics as a good employer, and was confident that they would maintain good care of the facility for as long as they were owners. However, future occupiers may not be as responsive to the environment within the AONB.
- There was no reason not to believe the applicant's claim that HGV traffic would not increase, but reiterated his belief that this should have been assessed according to the agreed TRICS metric which implies a far higher level of traffic movement.
- The application for a museum had become one for a hangar and a taxiway to a runway. The claim that there would be no more than ten flights a year was contradicted by the minutes of the Woodland Protection Group in 2021, which stated that the applicant anticipated that there would be at least 20 to attend airshows.
- The Dakota aircraft had two 1,200 horsepower engines, and noise containment was not a priority during its manufacture, so the impact of the Membury Airfield on the local community could be greater.
- Councillor Woollaston urged that Members reject Officers' recommendations and refuse the application. Alternatively, they should strengthen the condition regarding aircraft movements, limiting it to the minimum needed for maintenance.
- Membury Industrial Estate should never have been allowed to exist in its current format, and it was unfortunate that it does. Some occupiers did not have a sense of responsibility to the area.
- Two previous HGV incidents had occurred on the nearby B4000, and the danger would be exacerbated if this and other applications were approved.

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

47. The Chairman did not open the meeting to questions, due to the fact that Councillor James Cole was not making his own presentation.

### **Member Questions to Officers**

48. Councillor Lynne Doherty noted that a number of consultations had raised the issue of flooding, drainage, and water run-off, and asked what Point 6.20 meant when it stated that the technical details of proposed SuDS would be dealt with in a future submission of an application to approve details reserved by condition 13 of the

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outline planning permission. Mr Dray responded that flooding was covered by the outline stage because it was considered fundamental, but there was a detailed Drainage Strategy at this stage, due to a condition.

49. Councillor Carolyn Culver asked how the Committee can make a determination on layout and landscape without a detailed Travel Plan and SuDS (Sustainable Drainage Systems) information, or the Zero Carbon condition. Mr Jake Brown responded that the lead local flood authority had received information about the SuDS plans and were satisfied that the layout of the landscape on the ground would not need to change. The only thing remaining for approval was how the SuDS would technically operate. So it is not expected that the layout would need to be altered by approval of the drainage details reserved by condition. If SuDS details for whatever reason cannot be approved without a change to the layout the applicant can come back and submit an application to amend the layout or landscaping. Mr Brown stated on the Travel Plan that the Highways Officer had looked at the number of employees on the site at any one time, and had confirmed that the planned number of parking spaces is acceptable taking into account the Travel Planning. On Zero Carbon, Mr Brown responded that Zero Carbon was related to the building approved only and it was not related to the landscape, and if the applicant struggles at a later date to achieve Zero Carbon or BREEAM they will have to apply to amend those conditions attached to the outline permission.
50. Councillor Culver asked whether, if the other applications for approval of matters reserved by conditions plans are objected to, whether the Committee would have to consider the development four separate times. Mr Brown noted that those applications are currently under consideration and they would be brought to this committee for determination if more than ten objections are received and officers are minded to recommend approval, otherwise they would be dealt with under delegated powers unless the Development Control Manager decides to refer them to this committee.
51. Councillor Culver noted that Policy ESA2 in the draft Local Plan Review covers land to the west of Ramsbury Road, and asked whether that allocation covers this site or is a nearby site. Mr Dray presented a map showing the location of the site in relation to the allocated site and Protected Employment Areas.
52. Councillor Cole asked how small the reed bed was, and whether it would be the only means to deal with foul water. Mr Brown advised that this is the only means by which foul water would be treated and that a foul water statement had been submitted as part of the application. There is a treatment plant process proposed as well and the reed bed was relatively small compared to the proposed works across the whole site.
53. Councillor Cole asked how the Council intended to monitor tree planting over 15 years. Mr Brown responded that there was a condition at outline stage for a Landscape and Ecological Management Plan (LEMP) to detail how landscaping will be managed. Councillor Cole asked how the Council would monitor it. Mr Brown responded that the Council has the ability under Planning Enforcement to take action should the conditions not be adhered to but the LEMP does require details of the body or organisation who is responsible for the implementation of that plan and the ongoing monitoring, as set out in condition 11 of the outline planning permission.
54. Councillor Cole asked whether it could be set as a condition that the removed hedgerow is transplanted. Mr Brown responded that it could be replanted on site provided that it accords with their proposed soft landscaping plan.

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55. Councillor Cole asked whether ten parking spaces would be insufficient considering the expected popularity of the museum. Mr Goddard responded that the museum would be open at weekends, when the commercial use of the site would be reduced, so some of the employee parking spaces could be used. Mr Brown responded that a condition at outline stage required the museum to be open no less than 28 days per year together with details of arrangements for public access.
56. Councillor Abbs asked what the definition of “broadly” was in regards to the Committee considering whether the reserved planning application was broadly in line with the outline plan, and how different the two had to be for the Committee to consider that it was not in accordance. Mr Brown responded that it was a matter of scale and degree, but “broadly” was a matter of judgement and Members can choose to take a different view from officers. Mr Brown noted that the outline plan was indicative, and the reserved matters application does conform to the conditions that the Committee agreed.
57. Councillor Abbs asked how Officers could support the Committee if they opted to reject the application. Mr Dray suggested that the Committee should not reject based solely on difference, but focus on the reserved matters to be considered.
58. Councillor Abbs asked at which point the number of aircraft movements is clarified. Mr Brown responded that the applicant has proposed and confirmed that there would be a total of 10 aircraft movements, 5 in, 5 out. Officers have assessed that proposal and consider it would be ancillary to the museum use and have proposed a condition restricting the number of aircraft movements via the taxi strip.
59. The Chairman clarified that the movement of the aircraft out of the museum beyond the red line was defined as an aircraft movement, and movements within the red line were not a matter for the Committee. Mr Dray advised that this application does not seek to approve any development outside of the red line. . Other movements on adjacent land would come under CAA (Civil Aviation Authority) policy or other legislation.
60. Councillor Beck asked whether an aircraft movement within the site counted for the purpose of the conditions. Mr Dray responded that that was not the intention but the condition could be changed to clarify this.
61. Councillor Beck asked whether prior approval of samples of building materials were included in the conditions. Mr Dray responded that it could be included, but that it was up to the Committee.
62. Councillor Jeff Cant asked if anything had materially changed regarding traffic movements between the outline and reserved matters stages. Mr Goddard responded that there had been no significant change.
63. Councillor Culver asked for clarification of whether the site was on the Protected Employment Area set out by Policy ESA2 in the new Local Plan. Mr Dray presented a map showing the location of the site in relation to the allocated site and Protected Employment Areas, which showed that the site was the proposed allocation and part of the proposed extension to the Protected Employment Area.
64. Councillor Culver noted that one of the opponents had raised that the AONB did not get subsequent opportunities to comment on the proposal before it was proposed to cut down the trees, and asked for clarification on whether they had. Mr Brown responded that the AONB was consulted on both applications and could see on the plans submitted that trees would be cut down. Mr Brown advised that he was not aware of any trees having been cut down.

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65. Councillor Culver asked whether the flood risk had been assessed against the large concrete area on the application, and whether the effects of that on water run-off had been considered. Mr Brown responded that it would have been included in calculations for SuDS.
66. The Chairman noted that RAF Welford had a museum and aerodrome on site which had been asked to half its volume, and he understood that they had been in discussions with the applicant regarding some of the artefacts. The Chairman noted that the proposal was for a specific Membury museum, but it was always part of the plan and understanding that the museum would house those artefacts.
67. Councillor Abbs asked if there would be a solid wall between the museum and commercial use. Mr Brown confirmed that the floor plan shows a demarcation between the uses proposed. Mr Dray responded that the conditions on the outline permission secure the floor space in respect of the uses proposed and that internal changes do not normally require planning permission. Mr Dray advised that that condition would be sufficient for planning purposes to have the floor spaces secured by that condition. If Members consider it necessary to maintain a divide between the two uses that is justifiable in planning terms then they may wish to debate whether an additional condition is imposed to secure the internal layout. The Chairman noted that it was likely that there would be a wall.
68. The Chairman asked whether the TRICS database should have been used as part of the application process. Mr Goddard responded that typically a proposal would consult the TRICS database and it would be assessed that way at outline stage, but the applicant had taken their own surveys. A personal consent was applied to ensure that it would remain a B8 warehouse under the applicant.
69. Councillor Culver asked if a new owner of the warehouse would have to make their own application. Mr Dray responded that a new owner would have to make their own application which would be assessed on its own merits.

### **Debate**

70. Councillor Cole opened the debate by stated that if the applicant was only exhibiting the aircraft occasionally, or not at all, then the issue was not as bad as initially suspected. Councillor Cole noted that the trees and hedges were issues that could be dealt with by the Committee with additional conditions, and raised concerns that the monitoring had not been closely considered. Councillor Cole additionally raised concerns that the reed bed was too small, but had been assured by officers, and stated that the application had somewhat changed from the outline stage and that traffic movements were a concern.
71. Councillor Beck concurred with Councillor Cole and stated that the Committee were a lot clearer on the intended use of the site than at the start. Councillor Beck no longer believed that the site was an aircraft hangar, and noted the importance of the museum's aims. Councillor Beck stated that he would move for permission to be granted, but wanted a clearer condition on aircraft movements.
72. Councillor Barnett stated that it was paramount for Members of the Committee to visit the site, and that he found it very valuable. Councillor Barnett noted that a thorough debate had been had, and that he supported the heritage aims of the museum. On air and traffic movements, Councillor Barnett noted that it would be highly dependent on the weather and that it could be a case that the aircraft is there for a different amount of time than suggested. Councillor Barnett concurred with Councillor Beck and stated that he was inclined to support the Officer's recommendations.

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73. Councillor Cant stated that his early concerns about traffic and flooding had been addressed by officers, as well as concerns regarding the personal condition granted to the applicant. Councillor Cant stated that he was inclined to support the Officer's recommendations.
74. Councillor Beck proposed that the conditions are amended so that the term "aircraft movements" is clarified as being movements over the red line; that the material samples had to be approved by the officers prior to them being used; and that any trees or vegetation that die within 15 years are replaced.
75. Councillor Doherty stated that a thorough discussion on the reserved matters had been had and that she was happy to second the proposal to accept Officer's recommendations.
76. The Chairman asked what the Committee was addressing on each of the reserved matters. Mr Dray clarified that the proposal was to accept Officer's recommendation which includes the change to 15 years for the landscaping condition, refine the air movement's condition to refer to on and off site movements, and to change the materials condition to require that a schedule and sample of materials is submitted for approval. Mr Dray noted previous discussion not part of the proposal yet was in relation to a condition fixing the internal layout and divider and Members will need to decide whether such a condition is included before it is seconded.
77. Councillor Abbs stated that there had been an offer to address most of the residents' concerns by not having the Dakota aircraft exhibited, which superseded the need for a new condition, and the applicant had additionally stated that the Dakota aircraft would only be exhibited outdoors. Councillor Abbs raised concerns with the layout of the building and its accessibility, and that the Committee had clearly understood that there were unresolved flooding issues and serious traffic issues which would be exacerbated by the application without a TRICS database assessment. Councillor Abbs suggested that the Committee could conclude that the application was on balance, broadly, not equivalent to the outline application and refuse the reserved matters application. Councillor Abbs also suggested that the Committee should accept the applicant's offer not to have the Dakota aircraft.
78. Councillor Abbs additionally noted that BREEAM Excellent could only be achieved if it was aimed for from the outset of the planning process, and that it was a disappointment that the potential failure to achieve it was not a matter for discussion. Councillor Vickers concurred and suggested that it could potentially be an additional condition.
79. Councillor Vickers noted that if the applicant offers not to have the aircraft on site it would fundamentally change the application, and so could not be set as a condition. Councillor Vickers stated that he was content that the reserved matters had been addressed, even if there were concerns regarding traffic movements and the impact on the B4000 that had failed to be resolved at outline stage, and that the aircraft movements could be an issue if it required maintenance. Councillor Vickers suggested an additional condition to reaffirm the internal barrier, and that the museum exhibitions should be outdoors.
80. The Chairman stated that, in his view, the Dakota aircraft was fundamental to the museum's aims and it would be a distraction to consider removing it. The Chairman suggested a condition to ensure that the aircraft is tugged up to the red line.
81. Councillor Cant stated that he considered the museum's aims to be philanthropic and a benefit to the local community, and that 10 flights a year were not excessive. Councillor Cant suggested that a discussion on whether the Dakota aircraft should be



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exhibited was up to the applicant and the local community and separate from the application process.

82. Councillor Culver stated that she would have preferred to consider all of the reserved matters together, and that she still had concerns that one would have a knock-on effect on the others. Councillor Culver noted her vote against the application at outline stage, but that it had been approved and could have no bearing on her decision. Councillor Culver stated that she would abstain as she still had outstanding concerns regarding traffic movements.
83. Mr Dray noted that Condition 8 of the outline planning permission stated that the development could not be occupied unless it had been shown that it had achieved BREEAM Excellent. Councillor Abbs responded that previous applications had been later allowed to fail to achieve BREEAM Excellent.
84. Councillor Abbs raised that the D1 use class was for a static museum and not for exhibits which were temporary and could be moved in and out. Mr Dray responded that the outline planning permission granted an aircraft museum and the question is whether the movement of aircraft would represent a material change of use. The number of aircraft movements proposed is not considered to represent a material change of use.
85. The proposed amendments to the conditions were:
- The landscaping condition would be amended to require replacement of any landscaping that is removed, dies, becomes diseased or seriously damaged over a period of 15 years. An informative would be added to request the reuse of the existing hedge to be removed.
  - The aircraft condition would be amended to clarify the definition of a movement to only apply to movements on and off the site.
  - The materials condition would be amended to require prior approval of samples and a schedule.
  - A condition would be added to fix the layout according to the floor plan, and require further details on the dividing line between the use class sections.
86. Councillor Jeff Beck proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report and proposed to be amended or added to. This was seconded by Councillor Lynne Doherty.
87. The Chairman invited Members of the Committee to vote on the proposal by Councillor Beck, seconded by Councillor Doherty to grant planning permission. At the vote the motion was carried. Councillor Abbs voted against. Councillor Culver abstained.

**RESOLVED** that the Service Director for Development and Regulation be authorised to grant reserved matters approval subject to the following conditions:

### Conditions

|    |                                                                                                                                                                                                                                                                                                                                                                                             |
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| 1. | <b>Link to Outline Planning Permission</b><br><br>This permission relates solely to the reserved matters referred to in Condition 1 of the Outline Planning Permission granted on 5th May 2021 under application reference 19/02979/OUTMAJ. Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission. |
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|    | <p>Reason: For the clarity and the avoidance of doubt. The reserved matters cannot be considered separately from the permission to which they relate and the conditions imposed on that outline permission are still applicable.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2. | <p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Site Layout Plan 21025-TP-001 Rev E received on 18 January 2023;<br/>Landscape Masterplan P16-0633_14 Rev M received on 18 January 2023 except in respect of the external lighting shown on that plan;<br/>Soft Landscape Plans (sheet 1 and sheet 2) P16-0633_16 Rev G received on 18 January 2023 except in respect of the external lighting shown on that plan;<br/>Hard Landscape Plans (sheet 1 and sheet 2) P16-0633_15 Rev F received on 13 January 2023 except in respect of the external lighting shown on that plan;<br/>Site Sections Plan 21025-TP-002 Rev E received on 13 January 2023;<br/>Indicative Landscape Site Sections Plan P16-0633_11 Rev D received on 13 January 2023;<br/>Building Elevations Plan 21025-TP-007 Rev A received on 3 November 2022;<br/>Building Sections Plan 21025-TP-006 Rev A received on 3 November 2022;<br/>Site Fencing Plan 21025-TP-008 Rev A received on 3 November 2022;<br/>External Finishes (sheet 1, 2 and 3) 21025/TP/000B received on 3 November 2022;<br/>Site Vehicle Swept Paths Plan 21025-TP-003 Rev A received on 3 November 2022;<br/>Building Ground and First Floor Areas Plan 21025-TP-00 received on 23 June 2022;<br/>Arboricultural Survey and Impact Assessment by LandArb Solutions dated March 2022 (ref: LAS_391_A) and received on 13 April 2022;<br/>Roof Plan 21025-TP-005 received on 13 April 2022.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 3. | <p><b>Electric Vehicle Charging Points</b></p> <p>The use shall not commence until electric vehicle charging points have been provided for in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4. | <p><b>Provision of Access</b></p> <p>The use shall not commence until the vehicular site access to the site from Ramsbury Road has been completed in accordance with the approved details.</p> <p>Reason: The timely completion of the site accesses is necessary to ensure safe and suitable access for all. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5. | <p><b>Parking and Turning</b></p> <p>The use shall not commence until vehicle parking and turning spaces have been</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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|    | <p>completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>                                                                                                                                                                                                                                                                                                                                                        |
| 6. | <p><b>Cycle and Motorcycle Parking</b></p> <p>The use shall not commence until cycle and motorcycle parking facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the adequate provision of cycle and motorcycle parking facilities. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>                                                                                                                                                                                                                                                                                           |
| 7. | <p><b>Materials</b></p> <p>Notwithstanding the details approved by this application, no construction of the building above ground level shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area and AONB. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>                                                                                                        |
| 8. | <p><b>Hard landscaping</b></p> <p>The use shall not commence until the hard landscaping of the site has been completed in accordance with the details of boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) shown on the following approved plans (except in respect of the external lighting details shown on those plans):</p> <p>Hard Landscape Plans (sheet 1 and sheet 2) P16-0633_15 Rev F received on 13 January 2023;<br/>         Site Fencing Plan 21025-TP-008 Rev A received on 3 November 2022;<br/>         External Finishes (sheet 1, 2 and 3) 21025/TP/000B received on 3 November 2022).</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p> |
| 9. | <p><b>Soft landscaping</b></p> <p>All soft landscaping works, including the creation of the bund, shall be completed in</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## WESTERN AREA PLANNING COMMITTEE - 8 FEBRUARY 2023 - MINUTES

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|     | <p>accordance with the following approved soft landscaping details (except in respect of the external lighting shown on those plans):</p> <p>Landscape Masterplan P16-0633_14 Rev M received on 18 January 2023;<br/>Soft Landscape Plans (sheet 1 and sheet 2) P16-0633_16 Rev G received on 18 January 2023;<br/>Site Sections Plan 21025-TP-002 Rev E received on 13 January 2023;<br/>Indicative Landscape Site Sections Plan P16-0633_11 Rev D received on 13 January 2023.</p> <p>All soft landscaping works shall be completed within the first planting season following completion of building operations / first use of the site (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 fifteen years of completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p> |
| 10. | <p><b>Tree protection fencing</b></p> <p>Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the Arboricultural Survey and Impact Assessment by LandArb Solutions dated March 2022 (ref: LAS_391_A) and received on 13 April 2022. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 11. | <p><b>Lighting Assessment</b></p> <p>No internal lighting shall be installed within the building hereby approved until a lighting assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), specifications of all lighting, and, mitigation to be used where necessary including the operation of the large opening on the northern elevation, to ensure that light spill levels from the proposed building are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No internal lighting shall be installed within the building except in accordance with the approved lighting assessment.</p> <p>Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>                                                                                                                                                               |
| 12. | <p><b>Aircraft Movements</b></p> <p>No more than 10 aircraft movements (5 in and 5 out) of the Dakota Night Fright</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**WESTERN AREA PLANNING COMMITTEE - 8 FEBRUARY 2023 - MINUTES**

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|     | <p>aeroplane, C-47 42-100521, across the aircraft access to and from land outside of the site, shall take place in any given calendar year, and only between 1 April and 31 September in each calendar year. No other aircraft shall be transported to or from the site via the aircraft access proposed and no use of the aircraft access for the transportation of goods or products to be stored within the warehouse shall take place at any time..</p> <p>Reason: To ensure that the access for aircraft to the site is not used for any other purposes than specified in application submissions and to prevent frequent use of that access by aircraft that would represent a material change of use from the planning permission granted. This condition is necessary to protect the amenity of the area and neighbouring properties. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.</p>                                                                                                                                                                                                                                                                                                                                                                    |
| 13. | <p><b>Internal Wall / Use Separation</b></p> <p>No use of the warehouse or museum area shall commence until details of an internal wall of permanent construction of full internal height and width (except for the pedestrian access) separating the museum area from the warehouse area has been submitted to and approved in writing by the Local Planning Authority and fully constructed in accordance with the approved details. That internal wall shall thereafter be permanently retained in accordance with the approved details and no part shall be removed.</p> <p>The distribution of uses within the building hereby approved shall only take place strictly in accordance with the Building Ground and First Floor Areas Plan (drawing number 21025-TP-009) received on 23 June 2022.</p> <p>Reason: To ensure that no change to the distribution of uses as proposed on the plans submitted occurs following construction of the development. This condition is required to ensure a clear distinction and retention of the proposed distribution of uses taking place at the site and prevent a potential material change of use occurring that may result in harmful impact on the amenity of the area. 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 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p> |

**Informatives**

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| 1. | <p><b>Proactive</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. 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.</p> |
| 2. | <p><b>Details Not Approved</b></p> <p>For the avoidance of doubt, details relating to external lighting, sustainable drainage and the Landscape and Ecological Management Plan (LEMP) are not approved by this decision. Those details are considered separately under the respective applications for approval of details reserved by conditions attached to planning permission 19/02979/OUTMAJ.</p>                       |

**WESTERN AREA PLANNING COMMITTEE - 8 FEBRUARY 2023 - MINUTES**

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| 3. | <b>Access construction</b><br><br>The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or <a href="mailto:highwaysassetmanagment@westberks.gov.uk">highwaysassetmanagment@westberks.gov.uk</a> should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf. |
| 4. | <b>Damage to footways, cycleways and verges</b><br><br>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. | <b>Damage to the carriageway</b><br><br>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. | <b>Incidental works affecting the highway</b><br><br>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.                                                                                                                                                                                       |
| 7. | <b>Advertisement Consent</b><br><br>It will be necessary to submit a separate application for Advertisement Consent for advertisements to be displayed on the site.                                                                                                                                                                                                                                                                                                                                                                                                         |
| 8. | <b>Hedge Re-use</b><br><br>The applicant is requested to re-use/re-locate where possible the existing hedgerow to be removed in the planting of new hedgerow, provided that planting is in accordance with the Soft Landscape Plans (sheet 1 and sheet 2) P16-0633_16 Rev G received on 18 January 2023.                                                                                                                                                                                                                                                                    |

*(The meeting commenced at 6.31 pm and closed at 9.40 pm)*

**CHAIRMAN** .....

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