

# Notice of Meeting



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## Western Area Planning Committee Wednesday 19th July 2023 at 6.30pm In the Council Chamber Council Offices Market Street Newbury

This meeting will be streamed live here: [Link to Western Area Planning Committee broadcasts](#)

You can view all streamed Council meetings here: [Link to West Berkshire Council - Public Meetings](#)

If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on Tuesday 18<sup>th</sup> July by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### Members Interests

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

Date of despatch of Agenda: Tuesday, 11 July 2023

### Further information for members of the public

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

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

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

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk).



**Agenda - Western Area Planning Committee to be held on Wednesday, 19 July 2023**  
(continued)

**To:** Councillors Adrian Abbs (Chairman), Clive Hooker (Vice-Chairman), Phil Barnett, Dennis Benneyworth, Patrick Clark, Heather Codling, Carolyne Culver, Tony Vickers and Howard Woollaston

**Substitutes:** Councillors Antony Amirtharaj, Paul Dick, Billy Drummond, Denise Gaines and David Marsh

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# Agenda

## Part I

**Page No.**

1. **Apologies for absence**  
To receive apologies for inability to attend the meeting (if any).
  2. **Minutes** 5 - 36  
To approve as a correct record the minutes of the Meeting held on 21 June 2023.
  3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
  4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).*
- (1) **Application No. and Parish: Various References, Institute For Animal Health - Institute For Animal Health, High Street, Compton** 37 - 58
- Proposal:** Discharge of Conditions 16, 17, 18 Part A, 18 Part B-D, 19, 20 and 21 of planning permission 20/01336/OUTMAJ
- Location:** Institute For Animal Health, High Street, Compton, RG20 7NN
- Applicant:** Homes England
- Recommendation:** To **DELEGATE** to the Development Control Manager to **GRANT APPROVAL**



**Agenda - Western Area Planning Committee to be held on Wednesday, 19 July 2023**  
(continued)

- (2) **Application No. and Parish: 20/02079/COMIND - Inglewood House** 59 - 90  
**Templeton Road Kintbury Hungerford**

**Proposal:** Redevelopment of land within the existing walled garden to provide 22 additional units of C2 accommodation as an extension to the Audley Inglewood care community and a new pavilion with associated landscaping, infrastructure and parking.

**Location:** Inglewood House Templeton Road Kintbury  
Hungerford RG17 9AA

**Applicant:** Audley Group

**Recommendation:** To **DELEGATE** to the **Development Control Manager** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8 of the report) and the completion of a Section 106 legal agreement to secure the review of the Affordable Housing Viability.

OR

If the legal agreement is not completed by the 19<sup>th</sup> October 2023 (3 months of the committee meeting), or such other date as agreed in writing by the Development Control Manager in consultation with the Chairman of the Committee, to **DELEGATE** to the Development Control Manager to **REFUSE PLANNING PERMISSION**, for the reasons set out in Section 8 of the report.

- (3) **Application No. and Parish: 23/00246/HOUSE - Juniper Rise, Ashmore** 91 - 102  
**Green, Thatcham**

**Proposal:** Retrospective: application for alterations to approved scheme 12/00538/HOUSE; first floor extension to single storey house, single storey extension to the west and new garage to replace existing.

**Location:** Juniper Rise, Ashmore Green, Thatcham, RG18  
9EY

**Applicant:** Mr D Pirlo

**Recommendation:** Grant planning permission subject to conditions.

**Agenda - Western Area Planning Committee to be held on Wednesday, 19 July 2023**  
(continued)

**Background Papers**

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

*Sarah Clarke.*

Sarah Clarke  
Service Director – Strategy & Governance  
West Berkshire District Council

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



**West Berkshire**  
C O U N C I L

## 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, 21 JUNE 2023

**Councillors Present:** Adrian Abbs (Chairman), Clive Hooker (Vice-Chairman), Phil Barnett, Dennis Benneyworth, Patrick Clark, Heather Codling, Carolyne Culver, Tony Vickers and Howard Woollaston

**Also Present:** Emma Craig (Housing Development and Enabling Officer), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Phil Lomax (Nutrient Neutrality Officer), Kim Maher (Solicitor), Masie Masiwa (Senior Planning Officer), Simon Till (Development Control Team Leader), Russell Davidson (Senior Scientific Officer), Jack Karimi (Democratic Services Officer)

#### PART I

#### 3. Minutes

The Minutes of the meeting held on 1 March 2023 were approved as a true and correct record and signed by the Chairman.

The Minutes of the meeting held on 25 May 2023 were approved as a true and correct record and signed by the Chairman.

#### 4. Declarations of Interest

Councillors Dennis Benneyworth and Tony Vickers declared an interest in Agenda Items 4(1), 4(2) and 4(3), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### 5. Schedule of Planning Applications

##### (1) Application No. and Parish: 21/02529/COMIND, Ownham Farm, Newbury, RG20 8PL

*Councillors Dennis Benneyworth and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that the site was situated within their ward. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillors Dennis Benneyworth and Tony Vickers declared that they had been lobbied on Agenda Item 4(1).*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/02529/COMIND in respect of Ownham Farm, Newbury, RG20 8PL.
2. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director of Development and Regulation be authorised to grant planning permission, subject to the conditions

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outlined in the main and update report, comments from Natural England with regard to the Habitats Regulation Assessment and the completion of a Section 106 legal agreement as a planning obligation to secure the Habitats Regulation Assessment recommendations, or, if the legal agreement was not completed by 21 September 2023, or such date as agreed in writing by the Development Control Manager in consultation with the Chairman of the Committee, to delegate to the Development Control Manager to refuse planning permission, for the reasons set out in Section 8 of the report.

3. Mr Phil Lomax, Nutrient Neutrality Officer, addressed the Committee regarding the objection raised by Natural England, stating that the Council was required to undertake a Habitats Regulation Assessment due to the export load of phosphorous being above baseline levels. The conclusion of the Habitats Regulation Assessment was that the development would not result in any adverse effect on the integrity of the River Lambourn. Natural England had objected to that conclusion. Mr Lomax stated that the objection was an unusual step for Natural England to take rather than request further information from the Council, but that he was confident that those objections were based on misunderstandings and could be addressed.
4. The Chairman asked Mr Paul Goddard, Highways, if he had any observations relating to the application. Mr Goddard stated that the main access to the site was via the high street, and that the access complied with all Council standards in regards to width and sightlines in both directions onto the High Street, which was more than suitable for the expected number of vehicle movements. During horse racing season, it was expected that there would be 16 cars in and 16 cars out per day, some of which would be 3.5 tonne horse boxes or 7.5 tonne lorries for deliveries. The secondary access via Ownham Lane was not suitable due to its width, so a condition had been applied to limit the use of access. The parking and site layout was considered acceptable, and therefore Highways had no objection to the application.
5. In accordance with the Council's Constitution, Mr James Cole, supporter, Mr Harry Derham and Mr Steve Woodward, applicants, and Mr Francesco Della Valle, agent, addressed the Committee on this application.

### **Supporter Representation**

6. Mr James Cole in addressing the Committee raised the following points:
  - The application arrived in April 2021, and was called in as a precaution. Boxford Parish Council then withdrew their objections, preventing the need for it to be called in, but it could not be withdrawn. Mr Cole requested that Members be allowed to withdraw calling in.
  - Mr Cole stated that he was pleased that Members were in support, and that Natural England had objected based on a misunderstanding. Therefore, Mr Cole called on the Committee to support it.
  - Mr Cole stated that the development would be good for Boxford and the racing industry. It would be a good use of the land and the development would not damage the Area of Outstanding Natural Beauty (AONB), instead providing a biodiversity net gain of 10%.

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

7. Councillor Phil Barnett asked Mr Cole to clarify why he viewed Natural England's objections as a misunderstanding. Mr Cole responded that to his understanding, the information Natural England had based their objection on was out of date.

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8. CouncillorCarolyn Culver stated that the development would increase the used land from 315 square metres to 973, and asked whether Mr Cole believed that increase was too large a footprint for the AONB. Mr Cole responded that he had stated that it was a good conversion of some of the existing buildings.
9. Councillor Clive Hooker asked if Mr Cole remembered what the drawings looked like in the initial 2019 application. Mr Cole responded that he did not.

### **Applicant and Agent Representation**

10. Mr Harry Derham, applicant, in addressing the Committee raised the following points:
  - Mr Derham stated that he had worked in horse racing his entire life, both working for champion trainer Paul Nicholls, and as a professional jockey for three years.
  - Mr Derham stated that he had put his life savings into starting the business, but that training 20 horses within a small yard was not financially sustainable, and there was an urgent need for the expansion.
  - Horse racing was an industry which contributed greatly to the local economy and created numerous jobs, and the benefits of a horse racing yard would generate a ripple effect throughout the local area.
  - The horse racing yard would promote equestrian activities and opportunities within the community, particularly for young people.
  - The planning application outlined measures to provide spacious, well-maintained stables, ample exercise areas and veterinary facilities, with high standards for ethical treatment.
  - Mr Derham noted that West Berkshire Council? had a strong reputation for supporting the horse racing community.
11. Mr Steve Woodward, applicant, in addressing the Committee raised the following points:
  - The buildings were largely completed, and Mr Woodward stated that they were in character for the area and in line with what was there before.
  - In response to concerns that the buildings were larger, Mr Woodward stated that the size was necessary to house 40 stables. Rather than having individual stables, they would prefer the American barn model of putting the stables together, which was easier for staff and horses.
12. Mr Francesco Della Valle, agent, in addressing the Committee raised the following points:
  - Mr Della Valle stated that the applicants were pleased that Planning had recommended approval, and that they were happy to agree to the conditions.

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

13. Councillor Tony Vickers noted that only a small proportion of the agricultural land was being used for the development, and asked what would be done to improve agricultural use on the remainder of the land. Mr Derham responded that he did not own the agricultural land, which was owned by the Sutton Estate, but that they had a good relationship and he was working with them to ensure that the agricultural land was kept appropriately.

### **Ward Member Representation**

14. Councillor Tony Vickers in addressing the Committee raised the following points:

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- Councillor Vickers was alerted to the fact that some objectors had raised the impact on the rights of way, and access to the High Street. Councillor Vickers stated that he would like to know whether the permissive right could be conditioned, but that he was pleased that the landowner was allowing for access onto the land.
- Councillor Vickers noted that he had been reassured from visiting the site that the development would not impose upon or impact the views of the AONB, and that he could assure Members of that.

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

15. Members did not have any questions of clarification.

### **Member Questions to Officers**

16. Councillor Dennis Benneyworth noted that the site was formerly a dairy farm, and asked whether it could continue to be used as a dairy farm if the ability arose. Mr Masiwa responded that a dairy farm would require a change of use case back to agriculture, but it would be possible. Mr Till responded that the remainder of the land was for agricultural use, and cattle grazing would be within the use.
17. Councillor Vickers asked whether there was anything in the development, such as the fencing or access roads, which would make agricultural use of the rest of the land more difficult. Mr Masiwa responded that the proposal was considered as it was before Members, and that some of the permanent developments on the site would likely prevent some agricultural use, but it would not prevent a future application to change the use case. Mr Masiwa noted that the majority of the land was retained as agricultural use, and there were access gates on the site which could allow for it.
18. Councillor Hooker asked whether there was a change from the initial application to include the rebuilt hay barn, which had been supposedly demolished and reconstructed due to storm damage in 2019. Mr Masiwa responded that the original application proposed the removal of the hay barn, and the construction of the new stable barn. The initial application was to demolish the existing barn to replace with a larger one, and that was still what was proposed.
19. Councillor Howard Woollaston raised concerns regarding light pollution, and asked whether there was any risk of upward light pollution from the top of the barns. Mr Masiwa responded that a condition was attached to the application which limited external lighting to downward-facing lighting, and that officers were content with the application from a light pollution perspective.
20. Councillor Culver asked Mr Lomax for clarification on how the Council had incorporated Natural England's assessment into the application, and, noting that Natural England had stated that nutrient loading should be revisited, asked how the Council had addressed that. Mr Lomax responded that he did not agree with the objections raised by the officer from Natural England, based on what he had found from the Habitat Regulations Assessment. Mr Lomax noted that a number of points of clarification had been made to the applicant prior to that, and he considered the assessment to be thorough. Mr Lomax pointed out that the objection from Natural England was based on a number of misunderstandings, relating to the proposed drainage scheme from 2021, which had since been superseded by a 2023 iteration.
21. Councillor Culver asked Mr Lomax why Natural England did not have the most recent drainage scheme before them when they considered the application. Mr Lomax responded that they should have had the most recent drainage scheme, but that



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certain aspects of their response, referring to a Pitman drain system, suggested that they were looking at the 2021 iteration.

22. The Chairman asked how they were able to consider the 2021 iteration if it was not part of the current application. Mr Lomax responded that he did not know, and that the Habitats Regulation Assessment was clear that the drainage scheme had been updated.
23. Councillor Hooker asked whether there was a pre-application submission or outline planning application. Mr Masiwa responded that there was not a pre-application submission, or any other planning application related to the site.
24. The Chairman asked why Policy CS15 was not applicable to the application, specifically to Barn 4. Mr Masiwa responded that Policy CS15 was omitted in error, and was applicable to the proposed offices and honours room, but officers considered that the application was initially for conversion of the buildings and that a condition related to BREEAM may be difficult to achieve. A condition was within the update sheet for consideration by the Committee. Mr Till noted that there were requirements of Policy CS15 which applied to the buildings on the site, but officers had to advise that it would have to be considered whether conditions with regards to BREEAM would be reasonable, as the application was retrospective and BREEAM Excellent was difficult to achieve beyond the early planning stage. A condition requiring BREEAM Excellent might render the scheme unviable, but the Committee could consider that as an unauthorised development, the applicant started to build at their own risk.
25. The Chairman asked whether electric vehicle (EV) charging would be applied as a condition at this stage. Mr Goddard responded that it was.
26. Councillor Culver asked whether there were any concerns about the materials which were already part of the site. Mr Masiwa responded that officers were not concerned with the choice of materials, which officers considered to be in keeping with local design. Another schedule of materials had been asked for.

### **Debate**

27. Councillor Benneyworth opened the debate by concurring with Mr James Cole's point that, were it not for the call in, the application would have been approved without the need for it to be considered by the Committee. Councillor Vickers concurred.
28. Councillor Vickers noted that the Committee should be mindful of the fact that, while development was unauthorised, it was done in communication with officers, and was very difficult to object to. Councillor Vickers suggested that a Policy CS15 condition should be included, but consideration should be given to changing the condition if it did not prove to be viable.
29. Councillor Woollaston noted that while BREEAM Excellent was virtually impossible to achieve once construction had started, it should be considered whether a less stringent condition could be more appropriate.
30. Councillor Heather Codling concurred with Councillor Woollaston, noting that the development appeared to be of high quality, and asked whether there were lower certifications than BREEAM Excellent.
31. Councillor Barnett stated that it was very sad that the Committee was put in the situation of having to consider a retrospective application, but that he would be willing to support granting planning permission without a Policy CS15 condition.

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32. The Chairman noted that he was hesitant to agree to a less stringent condition, noting that Policy CS15 was well established and developers should be mindful of it when undertaking any development work.
33. Councillor Culver stated that she was aware that the Council had planning policies relating to local employment and the racing industry, and that the Committee could not consider the hypothetical of having considered the application when it was first submitted. However, Councillor Culver stated, for the record, that the work of the Committee was made very difficult by retrospective applications, as they would be unable to set clear precedent with regards to aspects of the application such as the American barn model. Councillor Culver noted that it was a priority for AONB development to retain the same footprint, which the American barns did not comply with.
34. Councillor Woollaston stated that he intended to propose to accept the Officer's recommendations, but not to condition that BREEAM Excellent be achieved. Mr Till stated that there were other BREEAM standards which could be achieved, such as Good or Very Good, but it was a difficult to determine what level the building would be able to achieve. Mr Till proposed a condition that it be delegated to officers to make such a determination, receiving evidence as to which BREEAM standard the development could achieve, and actions taken to exceed that standard's criteria. Councillor Woollaston accepted the proposed condition from Mr Till.
35. Councillor Hooker stated that he was strongly supportive of the racecourse industry within his ward and the wider district, and that he was aware that the industry was suffering from an inability to diversify. However, Councillor Hooker noted that he thought there was an unwritten policy against the building of American barns within an AONB, and there either needed to be an understanding that there was a precedent in favour of American barns, or the policy needed to be enforced. Councillor Hooker raised doubt that the application had given due consideration to scale and design under Policy CS19, and reminded the Committee that the application had been submitted retrospectively, without a pre-application or outline planning application, effectively as a *fait accompli*.
36. Mr Till responded to Councillor Hooker that he appreciated the issues raised, and understood the concerns. However, each application had to be considered on its own merits, and there was no written policy against American barns within the AONB. However, there was consideration with regards to the landscape character of the AONB. Mr Till noted that the application had been considered at the initial stage and it was found that it did have compliant design and scale.
37. Councillor Culver noted there was a condition regarding bat roosts but not a corresponding condition regarding barn owls, and asked that one be added to ensure the box on site was retained. Mr Till responded that Condition 29 required consideration to be taken regarding barn owls.
38. The proposed additional condition was to require the applicant to submit evidence of what BREEAM measures had been complied with up to the current point of construction, with respect to Barn 4, and to specify what additional measures were possible, and not to take into occupation that barn until those measures, as approved by delegation to officers, were carried out.
39. Councillor Howard Woollaston proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, comments from Natural England with regard to the Habitats Regulation Assessment, and the completion of a Section 106 legal agreement as a

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planning obligation to secure the Habitats Regulation Assessment recommendations. This was seconded by Councillor Tony Vickers.

40. The Chairman invited Members of the Committee to vote on the proposal by Councillor Howard Woollaston, seconded by Councillor Tony Vickers to grant planning permission. At the vote the motion was carried.

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

### Conditions

#### 1. **Approved plans**

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

Received on 05 October 2021:

- Flood Risk Assessment and SUDS
- Landscape Visual Impact Assessment
- Proposed stable barn plans and elevations drawing No F1630/111/ REV A
- Proposed office plan and elevations drawing No F1630/112/ REV A
- Proposed Lads room and colours room plans and elevations drawing No F1630/114/ REV A

Received on 23 February 2022:

- Tree Survey
- Tree Constraints Plan
- Arboriculture implication plan
- Arboriculture impact Assessment (Tree Frontiers)
- Tree Protection Plan
- Amended Location Plan drawing No F1630/LOC/ REV D

Received on 10 March 2022:

- Tree and planting schedule 042 210
- Tree planting plan drawing No 042 250
- Planting plan 2 drawing No 042 255
- Arboriculture implications plan
- Horizontal illuminance plan REV P02
- Technical note – Lighting

Received on 28 March 2023:

- Amended proposed site plan drawing No F1630/100/ REV I
- Amended proposed site plan area 1 – farm yard drawing No F1630/101/ REV C
- Amended proposed site area 2 – lunge pen, horse walker, paddocks drawing No F1630/102/ REV C
- Amended proposed new vets area, feed store, rug room, 5No stables

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- drawing No F1630/113/ REV B
- Amended Barn Owl Assessment
- Amended Bat Strategy
- Amended Nutrient Management Strategy
- Amended Reptile Strategy

Other documents and plans:

- Transport Statement Received on 06 October 2021
- Proposed Area 3 – deep sand arena, sand rolling circles and warm up area drawing No F1630/103/ REV A received on 06 October 2021:
- Amended Applicant Supporting Statement received on 10 December 2021:
- Historic desk based assessment Received on 14 December 2021:
- Amended proposed area 4 – main entrance gates drawing No F1630/104/ REV D received on 14 January 2022:
- Archaeology Written Scheme of Investigation received on 22 February 2022
- Construction Management Statement and site plan received on 28 February 2022:
- Storm Network Modelling received on 04 March 2022:
- Applicant response to Ecology received on 11 May 2023:

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

### **2 Schedule of the materials**

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

Reason: To ensure that the final external materials are visually attractive and respond to local character. 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 Supplementary Planning Document Quality Design 2006.

### **3 Use of the residential accommodation**

The use of the residential accommodation hereby permitted (Head Lads' Dwelling) shall not commence until all of the equestrian yard facilities have

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been completed as the first phase of development. Thereafter the residential accommodation shall be used solely in relation to the operation of the racehorse training facility at Ownham Farm, Upper Farm, Ownham, Newbury.

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

### **4 Dwelling occupation**

The occupation of the dwelling hereby permitted (Head Lads' Dwelling) shall be limited to a person solely or mainly working (or retired through old age or ill health) in the operation of a racehorse training facility at Ownham Farm, Upper Farm, Ownham, Newbury, or a widow or widower of such a person and to any resident dependants.

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

### **5 Site use**

The whole site known as Ownham Farm, Upper Farm, Ownham, Newbury, as outlined in the location plan red line, including all buildings (inclusive of the dwelling) hereby permitted shall remain for use as a racehorse training facility in conjunction with the racehorse industry. The buildings shall not be used as a separate residential unit, offices or any other uses within Use Class E (Use Class Order 2020), sold/leased/rented or used as a separate unit or commercial yard, and no separate curtilage shall be created other than permitted in this approval.

Reason: Any other use may not be acceptable on the site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007 and Supplementary Planning Document Quality Design 2006.

### **6 Restriction on externally stored equestrian paraphernalia**

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

Reason: To ensure the scale and intensity of the development is appropriate to its location in the interests of visual amenity in AONB and highways safety. This condition is applied in accordance with the National Planning Policy

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Framework, Policies ADPP5, CS12, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **7 Hours of work (demolition and construction)**

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

7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;

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

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

### **8 Arboricultural Method Statement**

The Arboricultural Impact Assessment and tree protection measures within Tree Frontiers Arb Impact Assessment ref: 93-OWN-RPT-AIA dated February 2022 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment.

No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the objectives of the NPPF and Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **9 Scheme of landscaping**

All landscape works shall be completed in accordance with the submitted plans, reference SLD drawing numbers 042 250 and 042 255 and 042 210 Plant Schedule dated Oct 2021. The approved landscaping plan shall be implemented within the first planting season following completion of development.

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

Reason: To safeguard and enhance the character and amenity of the area, to

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

### **10 Boundary treatments details**

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

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

### **11 Sustainable drainage measures**

Irrespective of the submitted details, no further development works shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

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) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site;

c) Include a drainage strategy for surface water run-off within the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority. No wash-down flows are permitted to enter the surface water drainage system;

d) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels.

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Soakage testing shall be undertaken in accordance with BRE365 methodology;

e) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;

f) Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development;

g) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;

h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain;

i) 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;

j) Show that attenuation storage measures have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;

k) 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;

l) 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);

m) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;

n) 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;

o) Include a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted



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immediately following construction to be approved by the Local Planning Authority. 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.

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

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; 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. The condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any further development takes place. 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).

### **12 Spoil management**

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

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

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

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

### **13 Plant, machinery and equipment**

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

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

### **14 Access Horse related vehicles and other larger vehicles**

Access to the site by horse related vehicles and other larger vehicles including horse related service, delivery and articulated vehicles shall be via the High Street entrance. None of these vehicles shall access the site from the Ownham Village secondary access. The Ownham Village secondary access shall be used only for access to the Head Lads dwelling.

Reason: In the interests of road safety and to protect the amenity of Ownham Village residents. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **15 Parking and turning in accordance with plans**

The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of 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 TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16 Motorcycle and Cycle parking**

The use shall not commence until the motorcycle and cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of motorcycles and cycles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-

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2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **17 Construction Method Statement**

The development hereby approved shall be constructed in strict accordance with Construction Method Statement and Site Plan received on 28 February 2022. The development shall be carried out in accordance with the approved details.

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 CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **18 Passing places**

The development shall not be first brought into use until details of the updated plan of the proposed passing places have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the passing place has been constructed in accordance with the approved drawing(s).

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

### **19 Surfacing of access**

Irrespective of the submitted plans, the surfacing arrangements for the vehicular access(es) to the highway shall ensure that bonded material is used across the entire width of the access(es) of 4.8 metres and for a distance of 6 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **20 Visibility splays before development**

No further development works shall take place until visibility splays of 2.4 metres by 160 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is applied in

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accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **21 Electric Charging Point**

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

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

### **22 Landscape and Ecological Management Plan (LEMP)**

No further development works shall take place on the site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. Prior to the completion of site access works of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Monitoring measures to demonstrate that the aims and objectives of management are being achieved including:
  - Identification of adequate baseline conditions prior to the start of development;
  - Methods for data gathering and analysis;
  - Location of monitoring and timing and frequency of monitoring;
  - Responsible persons and lines of communication.
- i) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

### 23 Updated Ecological Appraisal

In the event that no further development has been undertaken 3 years from the date of this permission, no development shall take place until updated Ecological Appraisal for Bats, Barn Owls, Dormouse and Reptiles have been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.

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

### 24 Bat Mitigation strategy

The development shall not be first brought into use until:

- The replacement bat roost detailed in the Bat Mitigation Strategy (21/02529/COMIND: Bat Mitigation Strategy. 22nd March 2023. Crossman Associates) and illustrated in drawing number F1630/113/B has been constructed and shall be retained throughout the life of the stable buildings; and
- The three further bat roosting boxes detailed in the Bat Mitigation Strategy (21/02529/COMIND: Bat Mitigation Strategy. 22nd March 2023. Crossman Associates) has been erected and shall be retained throughout the life of the stable buildings.

Reason: To ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessments and to ensure the biodiversity net gains are achieved as projected in the long term. This condition is applied in accordance with the statutory provisions relating to the

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protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### 25 **Biodiversity Monitoring Strategy**

Within 3 months of the date of planning permission being granted, a biodiversity monitoring strategy shall be submitted to and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to:

1. Establish the effectiveness of ecological mitigation and enhancement measures and demonstrate the level of biodiversity net gain achieved;
2. Establish the effectiveness of mitigation measures for roosting bats;
3. Establish the effectiveness of mitigation measures for barn owls;
4. Establish the effectiveness of mitigation measures for reptiles.

The content of the strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose above;
- b) Identification of adequate baseline conditions prior to the start of development;
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- d) Methods for data gathering and analysis;
- e) Location of monitoring;
- f) Timing and duration of monitoring;
- g) Responsible persons and lines of communication;
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Local Planning Authority every other year for the first five years (years 1,3 and 5) from the date of approval of the monitoring strategy by the Local Planning Authority. The monitoring report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved scheme. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### 26 **Impermeable surface to the stable floors**

The development shall proceed in accordance with the concrete slab with a welded rubber matting overlay (Quattro stable mats) as outlined within the email response received 28th March 2023 included this link:

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<https://www.quattrorubberandresin.co.uk/product/standard-stable-mats-rubber-flooring/>

- Revised and Updated Drainage Plan – Ref. WCI drawing 25T513-01-PO2
- The Manure Storage Facility

The manure, soiled soil, wood chips etc. will be taken to a store located to the south of the proposed new stables. The store will be a container that will be taken off site for disposal. The container will be located on a concrete slab with a centralised fall

to a gully to capture any leachate and will be connected to the cesspit/slurry tank. The store and slab will also be covered with a canopy to ensure there is reduced surface water intake into the system. See attached updated WCI drawing 25T513-01.

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

### 27 External lighting

The stable buildings shall not be used until a lighting design strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

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### 28 Reptile Mitigation strategy

The development shall not be first brought into use until the reptile mitigation area shown in the Reptile Mitigation Strategy (21/02529/COMIND: Reptile Mitigation Strategy. 22<sup>nd</sup> March 2023. Crossman Associates) has been established as described in the reptile mitigation strategy. The reptile mitigation area shall be retained throughout the life of the authorised use.

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

### 29 Biodiversity Mitigation and Enhancement Plan:

The development shall not be first brought into use until a Biodiversity Mitigation and Enhancement Plan (BMEP) addressing ecological mitigation and biodiversity enhancement of the site has been submitted to and approved in writing by the local planning authority. The BMEP shall demonstrate how biodiversity losses are to be mitigated for and how biodiversity net gain is to be delivered and include the following:

- a) Purpose and conservation objectives for the proposed works including restoring and creating suitable habitat and features for reptiles, hedgehog, foraging bats and barn owls and breeding birds and replacement tree planting;
- b) Detailed design(s) and/or working method(s) to achieve stated objectives;
- c) Extent and location of proposed mitigation and enhancement measures on appropriate scale maps and plans;
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- f) Persons responsible for implementing the works;
- g) Details of initial aftercare and long term maintenance;
- h) Details for monitoring and remedial measures.

The BMEP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the losses of biodiversity can be compensated for and a net gain in biodiversity delivered in accordance with the requirements of the NPPF, July 2021, and that the proposed design, specification and planting can demonstrate this. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### 30 Petrol / oil interceptors

The development shall not be first brought into use until details of petrol / oil



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interceptors to be fitted in all car parking areas are submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained and maintained thereafter as the approved details.

Reason: To ensure the protection of the watercourses within the area from potential pollutants. The approval of this information is required before development commences because insufficient information accompanies the application and the details of petrol / oil interceptors must be in place before construction operations commence. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS16 of the West Berkshire Core Strategy (2006 -2026), and Policies OVS.5 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).

### 31 Programme of archaeological work

No further development work shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work (a watching brief) in accordance with the submitted written scheme of investigation by Wessex Archaeology titled 'Upper Farm, Ownham, Boxford, West Berkshire: Written Scheme of Investigation for Archaeological Watching Brief' (February 2022, 2nd Draft). The programme of work shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved programme.

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

Refusal Reason in the event the S106 is not completed

#### 1. Refusal reason

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

The development fails to provide an appropriate scheme of works or off-site mitigation measures to mitigate the impact of the development on the River Lambourn Special Area of Conservation (SAC) and the Nutrient Impact Zone. In the absence of such, the proposed development would result in a likely significant effect on the River Lambourn SAC Site and if approved could result in an adverse effect on the integrity of this Habitats Site. Therefore, without the submission of a satisfactory scheme of mitigation (i.e. one that can demonstrate the nutrient neutrality of the proposed development) the Council cannot consider approving this application as to do so would be contrary to Regulation 63 of the Habitats Regulations.

The application is not accompanied by sufficient information in this respect, therefore the development fails to accord with the Conservation of Habitats and Species Regulations 2017 (as amended), the Written Ministerial Statement of 20 July 2022, Policy CS17 of the West Berkshire Core Strategy 2006-2026, and the National Planning Policy Framework.

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### Informatives

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

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

#### 2. **Access construction**

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

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

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

#### 4. **Damage to the carriageway**

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

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

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or [highwaymaintenance@westberks.gov.uk](mailto:highwaymaintenance@westberks.gov.uk)

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

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market

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Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

### 7 Thames Water - existing water mains

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>

### 8 Construction noise

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

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

### (2) Application No. and Parish: 22/02695/MDOPO2, Land South Of Priory Road, Hungerford

*Councillors Dennis Benneyworth and Tony Vickers declared a personal interest in Agenda Item 4(2) by virtue of the fact that the site was situated within their ward. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillors Dennis Benneyworth and Tony Vickers declared that they had been lobbied on Agenda Item 4(2).*

41. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/02695/MDOPO2 in respect of Land South of Priory Road, Hungerford.
42. Mr Simon Till, Team Leader – Development Control, 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 approval of the deed of variation.
43. In accordance with the Council's Constitution, Mr James Cole, Hungerford Town Council representative, addressed the Committee on this application.

#### Town Council Representation

44. Mr James Cole, Hungerford Town Council, in addressing the Committee raised the following points:

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- Mr Cole noted that Hungerford Town Council thanked the Development Control Manager for calling the application in, as it would allow the decision to be made publicly.
- Mr Cole noted that the Town Council were not experienced in this type of application, but trusted that it was acceptable, and asked the Committee to be satisfied that the shared ownership houses remained shared ownership.

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

45. Members did not have any questions of clarification.

### **Ward Member Representation**

46. Councillor Dennis Benneyworth in addressing the Committee raised the following points:

- Councillor Benneyworth stated that the application had been called in, and that the issue was mired in legal language not digestible to the general public. By calling it in, the issue could be clarified, and reassured given that the affordable housing clause was clear.

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

47. Members did not have any questions of clarification.

### **Member Questions to Officers**

48. Councillor Carlyne Culver asked why the period of disposal set out in Point 1.13.2 was only six weeks long. Mr Till responded that the Council would have the opportunity to retrieve the affordable housing, either to transfer to an RP or hold it itself, within that period.

49. Councillor Culver asked whether the First Homes policy was applicable, considering the fact that the application was approved. Mr Till responded that the First Homes policy was not applicable, as it came into effect after the legal agreement was created.

50. Councillor Tony Vickers asked why this application had come to Committee. Mr Till responded that a number of similar cases had been through the Planning system, and had been approved, but in this case the Town Council had raised concerns.

51. Councillor Howard Woollaston asked whether the Council was disadvantaged in any way by the proposed change. Mr Till responded that it could be argued as the Council was the last resort in case one of the legal agreements did have to be called into action, but the risk was extremely low, and the site would be potentially desirable.

### **Debate**

52. Councillor Vickers opened the debate by stating that he was happy that it was brought to the Committee, and that it provided clarity. Councillor Vickers stated that, on balance, the existence of the agreements were a benefit to the Council as it allowed the Council to ensure that it fulfilled its policy obligations. Councillor Vickers suggested that that be explained in some form by a press release.

53. Councillor Clive Hooker proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Patrick Clark.

## WESTERN AREA PLANNING COMMITTEE - 21 JUNE 2023 - MINUTES

54. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker, seconded by Councillor Clark to grant planning permission. At the vote the motion was carried unanimously.

**RESOLVED** that the Service Director for Development and Regulation be authorised to grant the deed of variation.

### **(3) Application No. and Parish: 23/00584/OUT, Harefield House and The Gables, Hungerford**

*Councillors Dennis Benneyworth and Tony Vickers declared a personal interest in Agenda Item 4(3) by virtue of the fact that the site was situated within their ward. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillors Dennis Benneyworth and Tony Vickers declared that they had been lobbied on Agenda Item 4(3).*

55. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/00584/OUT in respect of Harefield House and The Gables, Hungerford.

56. Ms Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director of Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

57. The Chairman asked Mr Russell Davidson, Senior Scientific Officer, if he had any observations relating to the application. Mr Davidson stated that he had studied the Mediation Statement and held a number of discussions with the applicant, and found the application to be acceptable, and would break the pathway between the contamination and receptor.

58. In accordance with the Council's Constitution, Mr James Cole, Hungerford Town Council representative, Ms Lesley Roberts, objector, Ms Gemma Perry and Mr Simon Langford, applicants, addressed the Committee on this application.

### **Town Council Representation**

59. Mr James Cole, Hungerford Town Council, in addressing the Committee raised the following points:

- Mr Cole stated that on one hand, the site needed to be sorted by the NHBC (National House Building Council), and that they had accepted responsibility. On the other hand, Mr Cole had read the objections, and Hungerford Town Council highlighted the parking issues affecting local residents, and the potential for the spread of contamination during works.
- The Construction Method Statement on Condition 14 could be strengthened, particularly as the process would be long. Mr Cole asked that the Statement be adequate to ensure no further spread of contamination as a result of the works, such as potential air contamination while the earth was removed.
- Mr Cole asked that the condition for parking set out for workers be detailed.

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- Mr Cole noted that Hungerford Town Council was concerned about residual pollution, and noted that NHBC verbally pledged that a barrier would be put in place. Mr Cole requested that that be made a condition.
- Mr Cole noted that the Council might be liable for contamination as a result of malfunction of diggers.

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

60. Councillor Phil Barnett asked whether the request was for the digging area to be completely encapsulated. Mr Cole responded that it was not, and that he knew from experience that diggers could be messy and spread contamination. Mr Cole added that he was not suggesting a solution, and instead just highlighting the issue.

### **Objector Representation**

61. Ms Lesley Roberts in addressing the Committee raised the following points:

- Ms Roberts stated that it was not acceptable that adjoining properties were not protected as a result of the application.
- Ms Roberts noted that adjoining property owners had already lost land as a result of the works done on the site, with boards put up to prevent loss of the land.
- There was not a party wall survey included as part of the application, which should be included. If 60 centimetres was dug around the property, it was unclear how anything would be able to stand.
- If the application was approved, it should be noted that there was no care placed on the people previously affected by the works.

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

62. Councillor Tony Vickers asked whether the objector lived in the property near Hamblin Meadow. Ms Roberts responded that she did.

63. Councillor Vickers asked whether the difference in levels was to do with the reduction in levels while the properties were being built, and whether that was due to the same contamination issues. Ms Roberts responded that it was.

### **Applicant Representation**

64. Ms Gemma Perry and Mr Simon Langford, NHBC (National House Building Council), in addressing the Committee raised the following points:

- Ms Perry noted that NHBC provided insurance for the initial developer, and were independent from the case, and were only involved from an insurance perspective. The developers submitted a claim in 2019 due to contaminated land, which was accepted as a valid claim.
- The application was just for the removal of the contaminated land, and further claims for remedial development would be considered. NHBC would settle claims with the property owners independently.

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

65. Councillor Vickers asked whether the Council had remaining liability regarding the site. Ms Perry responded that the residual claims would not affect the Council. Mr Till responded that the insurance claims were not matters for the Committee to consider.

66. Councillor Carlyne Culver asked whether the applicants would be willing to put up barriers between the site and the adjoining properties. Mr Langford responded that a

## **WESTERN AREA PLANNING COMMITTEE - 21 JUNE 2023 - MINUTES**

barrier would be put up on the boundary, which was already there, and that there was a 'no construction zone' within two metres of the fence line.

67. Councillor Barnett asked whether the applicants were considering some form of encapsulated area to prevent air pollution. Mr Langford responded that the recommendation was to dampen the area with water, to prevent it being lifted into the air.
68. Councillor Dennis Benneyworth asked whether there was any chance the walls could have become contaminated. Mr Langford responded that there was no evidence to suggest that had happened.

### **Ward Member Representation**

69. Councillor Tony Vickers in addressing the Committee raised the following points:
  - Councillor Vickers noted that he did some research into the topic due to discussions with adjoining property owners.
  - He noted that in 2009 an application was brought to the site with no indication of land contamination, but it was mentioned and conditioned in later applications. Enforcement intervened when a local resident raised it as an issue. Councillor Vickers noted that the issues began when the Planning Inspectorate allowed the 2015 application to go ahead over the objections of the Council.
  - Councillor Vickers noted that the applicants should have been monitoring the site while development was ongoing, but that the result was that a number of residents were very concerned that the work to clean the land would disturb the land, which had lead contamination levels 12 times higher than the allowed amount.
  - Councillor Vickers warned that the work would go on for a number of years without support being offered to the residents.
70. Councillor Dennis Benneyworth in addressing the Committee raised the following points:
  - Councillor Benneyworth noted that it was important for the application to be heard in public, and so he had called it in. Councillor Benneyworth called for a robust debate on the application.

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

71. Members did not have any questions of clarification.

### **Member Questions to Officers**

72. Councillor Culver noted in Point 4.5 that the work was expected to take 12 months, and asked whether the work would take 12 months or whether that was an approximation. Ms Cutts responded that the applicant had 12 months to commence the work, but it was not clear how long it would take.
73. Councillor Woollaston asked where the contamination came from in the first place. Ms Cutts responded that it was unclear, and might be due to a foundry previously on the site, but that the relevant concern was that there was lead on the site.
74. Councillor Barnett asked how the Council could enforce appropriate conditions to minimise the effect on residents and other parts of the site. Mr Till responded that a schedule of works had been provided, as well as a condition for a Works Management Plan. Mr Till noted that the Plan could be strictly controlled to prevent air pollution and limit movement of vehicles. Planning Enforcement were aware of the site, and the need to undertake remediation works, as well as the Senior Scientific

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Officer. Mr Till noted that he was aware that previous development on the site was troubled, and Enforcement had previously intervened, but that he had confidence that they would intervene if necessary.

75. The Chairman asked whether officers could condition a party wall assessment. Mr Till responded that legislation was different from Planning, and that it could not be conditioned, but that it was likely to be required under that legislation for the applicant to complete their works.
76. The Chairman asked what the Council's powers were in regards to protecting residents. Mr Till responded that additional measures were added to the Construction Management Plan condition to ensure that. Concerns regarding off-site contamination other than airborne could be added to that plan. Mr Davidson added that there were doubts regarding contamination through the wall, due to the low solubility of lead in soil, but that sampling could be done.
77. Councillor Benneyworth asked whether the red line on the application denoted the extent of the contamination monitoring. Mr Till responded that it did not have to, and that the Environmental Health Officer had to be satisfied that monitoring was sufficient and that he could require further monitoring to prevent off-site leaching.
78. Councillor Vickers noted that the application was only looking at contamination within the site, and that it was likely to have extended beyond the site ever since the development started, and asked whether the applicant could be required to mitigate harm beyond the site. Mr Till responded that the application was a starting point for identifying the contamination on the site. If off-site contamination was identified, there might be a larger case for further decontamination works, which would fall under the requirements of environmental legislation. Mr Davidson responded that it might be prudent to take samples beyond the wall to see if the contamination had leached.
79. The Chairman asked whether the Committee had the power to require that sampling. Mr Till responded that it would be outside the remit of the Committee, as the application regarded a specific area.
80. Councillor Clive Hooker noted that there should be a baseline for contamination outside the land, so that it could be ascertained whether the work had made it worse. Mr Till responded that the request was outside the remit of the planning application.

### **Debate**

81. Councillor Vickers opened the debate by stating that there had been changes of level in the Hamblin Meadow area, and that the land was heavily contaminated. Councillor Vickers had concluded that the Committee had to approve the application, but that it was not the end of the story.
82. Councillor Hooker stated that the reason the previous application on the site had been brought to the Committee was due to the fact that the proposed houses were too high, and the application was eventually allowed to go ahead due to an appeal to the Planning Inspectorate. Councillor Hooker stated that the site was the reason why Members were asked to wear personal protective equipment on sites.
83. Councillor Howard Woollaston noted that he was deeply sorry for the residents, but that the best outcome would be to have remediation on the land as soon as possible.
84. Councillor Heather Codling noted that Councillor Culver raised vehicle movements as an issue, and asked whether a condition could be placed to limit movements. Mr Till responded that Condition 14 for the Construction Method Statement would set out a number of points regarding management of parking and vehicle movements, as well as measures to control airborne dust.



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- 85. Councillor Barnett noted that there should be an appropriate method of disposal of any contaminants. Mr Till responded that the disposal had to be at a licensed site, but that the route to the site was not able to be subject to a condition, and would be very difficult to enforce.
- 86. The Chairman stated that the Committee was clear that it was doing what it could within the powers that it had.
- 87. Councillor Howard Woollaston proposed to accept the Officer’s recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Clive Hooker.
- 88. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Hooker to grant planning permission. At the vote the motion was carried unanimously.

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

**Conditions**

1.	<p><b>Commencement of development</b></p> <p>The approved remediation works shall commence within twelve months from the date of this permission.</p> <p>Reason: To ensure an efficient resolution to the breach of the planning conditions for the development</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby approved shall be completed in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>i) Location plan</li> <li>ii) 1248-1 site survey</li> <li>iii) 0803-14-04 proposed site plan</li> <li>iv) 1506-115 finished floor levels</li> <li>v) 15061-513 plot 1 plans and elevations</li> <li>vi) 15061-510 plot 2 plans and elevations</li> <li>vii) 0803-14-03 proposed garage plans and elevations</li> <li>viii) 1506-104 access surfacing</li> <li>ix) 1506-106 visibility splays</li> <li>x) 1506-107a vehicle parking</li> <li>xi) 1506-113b landscaping</li> <li>xii) 1506-114 section to 3 Waram Close</li> <li>xiii) 1506-116 section to Linden Lea</li> <li>xiv) 1506-128 sections</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Visibility Splays</b></p> <p>The visibility splays shown on drawing no 1506/106 shall be kept free of all obstructions to visibility to a height of 0.6m above carriageway level.</p> <p>Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>

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4.	<p><b>Vehicle Parking Spaces</b></p> <p>The parking and turning spaces show on drawing no 1506/107a shall be kept available for parking (of private motor vehicles and/or light goods vehicles) at all times.</p> <p>Reason: To provide a satisfactory level of off-street parking spaces in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy P1 of the Housing Site Allocations DPD (2006-2026)</p>
5.	<p><b>Permitted Development Restrictions – windows</b></p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no windows/dormer windows other than ground floor windows in the south-west elevation of the dwelling on the western side of the site (Plot 1); and on the north-east and south-east elevations of the dwelling on the eastern side of the site (Plot 2).</p> <p>Reason: To ensure adequate levels of privacy and to prevent overlooking to neighbouring dwellings. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the Quality Design Supplementary Planning Document.</p>
6.	<p><b>Boundary Treatments</b></p> <p>The fencing and other means of enclosure shown on drawing nos 1506/113b, 1506/114, 1506/116 and 1506/128 shall be permanently retained.</p> <p>Reason: To ensure adequate screening of the site in the interests of visual and neighbouring amenity. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the Quality Design Supplementary Planning Document.</p>
7.	<p><b>Landscaping</b></p> <p>Within three months of the completion of the remediation works the hard landscaping shown on drawing no 1506/113b has been reinstated in full. Within the first planting season following the completion of the remediation works the soft landscaping shall be implemented in full in accordance with drawing no 1506/113b. Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the approval of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.</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>
8.	<p><b>Ground levels</b></p> <p>The development shall be completed in accordance with the details shown on drawing nos 1506/114; 1506/115, 1506/116 and 1506/128.</p> <p>Reason: Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy</p>

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	(2006-2026), and the Quality Design SPD (June 2006).
<b>9.</b>	<p><b>Gates</b></p> <p>Any gates to be provided as accesses where vehicles will enter or leave the site shall open away from the adjoining highway and shall be set back a distance of at least 5 metres from the edge of the highway.</p> <p>Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
<b>10.</b>	<p><b>Use of garages</b></p> <p>The garages shall be used solely for purposes incidental to the use of the dwellings hereby approved. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garages.</p> <p>Reason: To safeguard the amenities if adjoin land users and occupiers and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.</p>
<b>11.</b>	<p><b>Hours of Work</b></p> <p>No remediation works shall take place outside 0730-1800 hours Mondays to Fridays; 0830 to 1300 hours on Saturdays; nor at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
<b>12.</b>	<p><b>Remediation Works</b></p> <p>The remediation works hereby approved must be completed in accordance with the Remedial Method Statement and Discovery Strategy dated September 2022 reference 305164 R02(01) by RSK Geosciences received on 9<sup>th</sup> March 2023. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority, and be dealt with in accordance with the procedures outlined in the approved Remedial Method Statement and Discovery Strategy. Following completion of measures identified in the approved remediation scheme no dwelling shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure that risks from land contamination to the existing and 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. In accordance with Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and the National Planning Policy Framework.</p>
<b>13.</b>	<p><b>Obscure glazing</b></p>

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	<p>The window at the first floor level in the north-west elevation of Plot 1 shall be fitted with obscure glass before the dwelling is occupied. The obscure glazing shall be retained thereafter.</p> <p>Reason: To prevent overlooking of adjacent properties, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).</p>
14	<p><b>Construction Method Statement</b></p> <p>No remediation works shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> <li>(a) A site set-up plan during the works;</li> <li>(b) Parking of vehicles of site operatives and visitors;</li> <li>(c) Loading and unloading of plant and materials;</li> <li>(d) Storage of plant and materials used in the remediation works;</li> <li>(e) Temporary access arrangements to the site, and any temporary hard-standing;</li> <li>(f) Wheel washing facilities;</li> <li>(g) Parking of vehicles of residents on Harefield House and the Gables;</li> </ul> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>

**Informatives**

1.	<p><b>Proactive</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
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*(The meeting commenced at 6.30 pm and closed at 9.35 pm)*

**CHAIRMAN** .....

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

# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	Institute For Animal Health Compton Parish Council	29 <sup>th</sup> May 2023 <sup>1</sup>	Discharge of Conditions 16, 17, 18 Part A, 18 Part B-D, 19, 20 and 21 of planning permission 20/01336/OUTMAJ  Institute For Animal Health, High Street, Compton, RG20 7NN  Homes England

<sup>1</sup> Extension of time agreed with applicant until 25<sup>th</sup> July 2023

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

<https://publicaccess.westberks.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=I7MQU0RD10000>

**Recommendation Summary:** To **DELEGATE** to the Development Control Manager to **GRANT APPROVAL**

**Ward Member(s):** Councillor Carolyne Culver

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

**Committee Site Visit:** Not required

## Contact Officer Details

**Name:** Cheyanne Kirby  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Cheyanne.kirby@westberks.gov.uk

## 1. Introduction

- 1.1 This item is for consideration of six inter-related discharge of conditions applications that seek approval of conditions reserved by condition 16 (Archaeological Supervision), 17 (Building Recording), 18 (Contaminated Land Investigation and Remediation), 19 (Construction Method Statement), 20 (Construction Environmental Management Plan) and 21 (Ecological Mitigation and Enhancement Plan) of planning permission 20/01336/OUTMAJ - Hybrid planning application seeking: 1) Outline planning permission (all matters reserved with the exception of access), for development comprising of up to 160 residential units (Class C3), the provision of landscaping, construction of access and street lighting, car and cycle parking, other associated infrastructure, sustainable drainage systems, engineering works and mitigation measures including the construction of internal roads. The proposal includes at least 1.75 hectares of employment land (Class B1) associated with the retention of the Intervet building and a playing field (Class D2) associated with the retention of the existing Cricket Pitch. 2) Full planning permission for the demolition of existing buildings, structures and hardstanding along with preparatory works including earthworks, remediation, utility works and associated mitigation measures. The change of use of land including the creation of public open space and wildlife area.
- 1.2 The application site is Institute For Animal Health, located within the settlement boundary of Compton within the North Wessex Downs AONB.

## 2. Planning History

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

Application	Proposal	Decision / Date
00/57420/FUL	New replacement or recladding of existing boundary fencing to provide additional security to research premises and staff	Approved / 03.07.2000
00/57486/ADD	Sheep shed, additional accommodation for existing sheep enterprise	Approved / 18.10.2000
00/01207/FUL	Extension to existing mess area and additional storage area for existing S.P.F Building.	Approved / 06.02.2001
01/00566/FUL	Disposal of spoil from sheep shed development (Retrospective)	Approved / 21.01.2002
01/01513/FUL	The installation of a free standing water break tank to increase water storage capacity. Tank to be sited at first floor level supported by structural steel and foundations	Approved / 18.09.2001
02/00379/FUL	New replacement of existing boundary fencing to provide additional security to Research Premises and staff. (Phase II)	Approved / 14.08.2002

02/01967/FUL	A single storey extension to the existing HSU at Compton for experimentation for improved animal health	Approved / 13.11.2002
03/02216/FUL	The erection of a new steel-framed agricultural building for the loose housing of cattle on straw-bedded areas, with access to pasture.	Approved / 19.12.2003
07/00105/FUL	Erection of profiled metal storage shed and re-siting of 2 mobile storage units from near building C092 (To be sited adjacent to building C067).	Approved / 20.03.2007
08/00827/AGRIC	Three animal feed bins.	Not Required / 03.06.2008
08/01260/FUL	Proposed Cabin	Approved / 11.09.2008
08/02073/FUL	Profiled steel enclosure to bunded (existing) oil storage tanks adjacent to Boiler House	Approved / 07.01.2009
09/00085/FUL	The erection of two single storey extensions one for a plant room for air handling equipment and changing rooms and a single storey plant room for a boiler house and heat transference equipment. In addition there are minor ancillary accommodation works including new retaining wall, concrete hard standing for standby generator which also involves the removal of an existing chamber.	Approved / 14.04.2009
09/02080/FUL	Installation of a nitrate reduction plant to the pumphouse and a storage tank both set on stop of concrete hard standings.	Approved / 12.01.2010
15/03052/FUL	Installation of a new HV transformer including ancillary plant and secure enclosure fence.	Approved / 12.01.2016
20/01161/FUL	To install a Portakabin to be used as offices for a temporary period of 104 weeks	Approved / 16.07.2020
20/01336/OUTMAJ	Hybrid planning application seeking: 1) Outline planning permission (all matters reserved with the exception of access), for development comprising of up to 160 residential units (Class C3), the provision of landscaping, construction of access and street lighting, car and cycle parking, other associated infrastructure, sustainable drainage systems, engineering works and mitigation measures including the construction of internal roads. The proposal includes at least 1.75 hectares of employment land (Class B1) associated with	Approved / 14.03.2023

	the retention of the Intervet building and a playing field (Class D2) associated with the retention of the existing Cricket Pitch. 2) Full planning permission for the demolition of existing buildings, structures and hardstanding along with preparatory works including earthworks, remediation, utility works and associated mitigation measures. The change of use of land including the creation of public open space and wildlife area.	
23/01171/COND	Application for approval of details reserved by Condition 22 (European Protected Species Licence) of planning permission 20/01336/OUTMAJ - Hybrid planning application seeking: 1) Outline planning permission (all matters reserved with the exception of access), for development comprising of up to 160 residential units (Class C3), the provision of landscaping, construction of access and street lighting, car and cycle parking, other associated infrastructure, sustainable drainage systems, engineering works and mitigation measures including the construction of internal roads. The proposal includes at least 1.75 hectares of employment land (Class B1) associated with the retention of the Intervet building and a playing field (Class D2) associated with the retention of the existing Cricket Pitch. 2) Full planning permission for the demolition of existing buildings, structures and hardstanding along with preparatory works including earthworks, remediation, utility works and associated mitigation measures. The change of use of land including the creation of public open space and wildlife area.	Approved / 04.07.2023

### 3. Procedural Matters

- 3.1 This is an application for the discharge of a condition of a previously granted planning permission and not an application for planning permission, and so the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 do not apply to this application.
- 3.2 This is an application for approval of details reserved by condition and Part 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 does not include any requirement for publicising the application.



## 4. 23/00719/COND

4.1 Application for approval of details reserved by condition 16 (Archaeological Supervision) and condition 17 (Building Recording) of approved 20/01336/OUTMAJ. The conditions state:

4.2 (16) *No phase of the development hereby granted outline planning permission, demolition, or ground works associated with the change of use, 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.*

*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.*

4.3 (17) *No phase of the development hereby granted outline planning permission, or demolition, or ground works associated with the change of use, shall take place within the application area until the applicant has secured the implementation of a programme of building recording 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.*

*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.*

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

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

<b>Compton Parish Council:</b>	Only a covering letter has been provided which states that a written scheme of investigation has been approved by the County Archaeologist. That scheme is not provided on the Council portal and so cannot be subject to consultation. It is not clear that the scheme has actually be submitted to the Council as Local Planning Authority which is a requirement of the conditions attached to the permission.
<b>Archaeology:</b>	Summary: Details submitted acceptable.

## **Public representations**

- 4.5 No representations have been received.

## **Appraisal**

- 4.6 The details submitted to discharge conditions 16 and 27 is a document titled 'A Written Scheme of Investigation for Archaeological Mitigation Works and Historic Building Recording, Institute for Animal Health, Compton, West Berkshire', project 60544578 by Aecom. The document is available to view on the Council's website.
- 4.7 The case officer and archaeologist reviewed the submitted documents and are satisfied with the contents. In particular the Council's Archaeologist states that *"I can confirm that the applicants' archaeological contractors have been in discussion with me regarding this matter and that I have already seen the Written Scheme of Investigation (WSI) provided. The WSI is satisfactory and meets the objective of imposing the condition. The information provided meets the terms of the condition and I would therefore be happy for this to be discharged."*
- 4.8 It is recommended that the details submitted in relation to conditions on archaeological supervision and building recording are approved.

## **5. 23/00711/COND**

- 5.1 Application for approval of details reserved by condition 18 Part A (Contaminated Land) of approved 20/01336/OUTMAJ. The condition states:
- 5.2 *No phase of the development\* hereby granted outline planning permission, demolition, or ground works associated with the change of use, shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the LPA. 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 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 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.*

*Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out in accordance with the approved details for that phase. 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.*

**Statutory and non-statutory consultation**

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

<b>Compton Parish Council:</b>	The cover letter refers to a “remediation and earthwork strategy” submitted to discharge this condition, but this is not available on the portal. The Ground Report details the investigations and confirms the presence of a significant number of contaminants, in line with the expectations of the Geo Desk Study. Remediation is dealt with at a high level only. Details are apparently set out in the “remediation strategy” which has not been published. This should be made available and consulted on before a decision is made.
<b>Environmental Health:</b>	Summary: Details submitted acceptable.

**Public representations**

5.4 No representations have been received

## Appraisal

5.5 The details submitted under Part A of the condition are available on the Council's website and are:

- Geo-environmental Desk Study ref 60544578 dated October 2019 Part 1 received 22<sup>nd</sup> March 2023.
- Geo-environmental Desk Study ref 60544578 dated October 2019 Part 2 received 22<sup>nd</sup> March 2023.
- Geo-environmental Desk Study ref 60544578 dated October 2019 Part 3 received 22<sup>nd</sup> March 2023.
- Geo-environmental Desk Study ref 60544578 dated October 2019 Part 4 received 22<sup>nd</sup> March 2023.
- Ground Investigation Report dated September 2019 Part 1 received 22<sup>nd</sup> March 2023.
- Ground Investigation Report dated September 2019 Part 2 received 22<sup>nd</sup> March 2023.
- Ground Investigation Report dated September 2019 Part 3 received 22<sup>nd</sup> March 2023.
- Ground Investigation Report dated September 2019 Part 4 received 22<sup>nd</sup> March 2023.
- Ground Investigation Report dated September 2019 Part 5 received 22<sup>nd</sup> March 2023.
- Ground Investigation Report dated September 2019 Part 6 received 22<sup>nd</sup> March 2023.

5.6 The Council's Environmental Health have reviewed the submitted documents and are satisfied with the contents. In particular they state that *"I have reviewed the contaminated land documentation submitted and confirm that I am satisfied with the investigation undertaken on site and that general remediation proposals. It is likely that some contamination remains in areas not yet investigated therefore some demolition must be allowed to occur in order to allow access to these areas for investigation"*.

5.7 It is recommended that the details submitted in relation to part A of condition 18 on contamination are approved. The case officer and environmental health officer reviewed the submitted documents and are satisfied with the contents.

## 6. 23/00794/COND

6.1 Application for approval of details reserved by condition 18 Part B-D (Contaminated Land) of approved 20/01336/OUTMAJ. The condition states:

6.2 *No phase of the development\* hereby granted outline planning permission, demolition, or ground works associated with the change of use, shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the LPA. 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 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 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.*

*Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out in accordance with the approved details for that phase. 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.*

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

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

<b>Compton Parish Council:</b>	The cover letter refers to a "remediation and earthwork strategy" submitted to discharge this condition, but this is not available on the portal. The Ground Report details the investigations and confirms the presence of a significant number of contaminants, in line with the expectations of the Geo Desk Study. Remediation is dealt with at a high level only. Details are apparently set out in the "remediation
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	strategy” which has not been published. This should be made available and consulted on before a decision is made.
<b>Environmental Health:</b>	Summary: Details submitted acceptable.

### **Public representations**

6.4 No representations have been received

### **Appraisal**

6.5 The details submitted under parts B, C and D of condition 18 are available on the Council’s website and are ‘Cognition Land + Water, Remediation Scheme, File RS-Compton, Issue B’.

6.6 The Council’s Environmental Health have reviewed the submitted documents and are satisfied with the contents. In particular they state that, *“I have reviewed the Remediation Report dated 3/3/23 produced by Cognition Land & Water and write to confirm that it is satisfactory. The consultants are clearly aware of the issues on site and have developed a remediation methodology to deal with these and also the areas that require further investigations.”*

6.7 It is recommended that the details submitted in relation to parts B, C and D of condition 18 on contamination are approved. The case officer and environmental health officer reviewed the submitted documents and are satisfied with the contents.

## **7. 23/00718/COND**

7.1 Application for approval of details reserved by condition 19 (Construction Method Statement) of approved 20/01336/OUTMAJ. The condition states:

7.2 *No phase of the development hereby granted outline planning permission, or ground works associated with the change of use to parkland, shall take place 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 construction works for that phase 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;*
- (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;
- (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.*

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

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

<b>Compton Parish Council:</b>	The nature of the works assessed is limited to the works to render the site suitable for use and demolition – not the construction phase but the condition does allow phased discharge. Anticipation of 20-40 people arriving in cars or vans – a “large car park” will be required. No external parking to be permitted. HGV access to be avoided between 8 and 9am and 2.30-3.30pm to avoid clashes with school A “preferred haulage route” is identified No restriction on the use of the preferred haulage route – other “non-preferred routes” could be used and no details of how school run peak time avoidance will be enforced and the Council should be asked to confirm how this will be restricted.
<b>Environmental Health:</b>	Summary: Details submitted acceptable.
<b>Highways:</b>	Summary: Details submitted acceptable. Query on phasing.

### **Public representations**

7.4 One representation has been received which objects to the details of the condition on the basis of :

- Impact of noise, vibration and dust on health during demolition and construction
- No detail on effects for the environment in terms of noise and vibration are going to be mitigated during the period of demolition
- Does not to provide any measure in decibels of what this acceptable noise level on neighbouring dwellings
- The demolition contractors and Homes England should consider in far more detail how they are going to prevent an adverse impact from the demolition activities on properties so close to the site such as ours, in line with the legislative framework and national policies on noise and vibration pollution.

## Appraisal

- 7.5 The details submitted under condition 19 are 'Cognition Land + Water, Construction Method Statement, File CMS-Compton, Issue 01'.
- 7.6 The Council's Environmental Health have reviewed the submitted documents and are satisfied with the contents. In particular they state that, *"I have reviewed the CMS... and write to confirm that it is satisfactory although the document only deals with the demolition, breakout, remediation and earthworks and not the final construction of the properties. This may need to be addressed at a later time"*.
- 7.7 The Local Highway Authority have reviewed the submitted documents. They advised that they are content with the details of the CMS, and queried *"...if the CMP is covering the demolition phase, as we do not have a detailed site layout at this stage. We only have an outline planning application. I had assumed that a CMP would be applied again later for actual construction. The CMS already states that school opening and closing times will be avoided for larger vehicles. I also continue to consider that the car park is of sufficient size for 20 to 40 workers"*.
- 7.8 To clarify, the details seeking approval relate only to the demolition phase. The condition is worded in such a way as to allow approval in phases and a further construction method statement will need to be submitted for approval before further works can proceed.
- 7.9 It is recommended that the details submitted in relation to condition 19 on construction method statement for the demolition phase only are approved. The case officer, environmental health officer and local highway authority reviewed the submitted documents and are satisfied with the contents.

## 8. 23/00716/COND

- 8.1 Application for approval of details reserved by condition 20 (Construction Environmental Management Plan) of approved 20/01336/OUTMAJ. The condition states:
- 8.2 *No phase of the development hereby granted outline planning permission, demolition, or works associated with the change of use hereby permitted shall take place until a Construction Environmental Management Plan (CEMP) (phased as appropriate) has been submitted to and approved 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.*
  - (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.

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

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

<b>Compton Parish Council:</b>	This only seeks to deal with the remediation phase, not the construction phase, and therefore can only be a partial discharge – again, the condition does allow phased discharge. Conflicts with information provided under Condition 19 on site speed limits (5mph here, and 10 in the other document) and the Council should ask for the documents to be consistent. It contains a number of risk assessments which detail any issues arising should be dealt with in the remediation phase. These are largely generic in nature. West Berkshire Council needs to be satisfied that these details are sufficient given the history of the Site, before it can discharge these conditions. There is very little specific about contaminants and how these will be dealt with (likely because this is dealt with under condition 18) but consistent approaches are key.
<b>Environmental Health:</b>	Summary: Details submitted acceptable.
<b>Ecology:</b>	No comments received

### **Public representations**

8.4 One representation has been received which objects to the details of the condition on the basis of:

- Impact of noise, vibration and dust on health during demolition and construction
- No detail on effects for the environment in terms of noise and vibration are going to be mitigated during the period of demolition
- Does not to provide any measure in decibels of what this acceptable noise level on neighbouring dwellings
- The demolition contractors and Homes England should consider in far more detail how they are going to prevent an adverse impact from the demolition activities on properties so close to the site such as ours, in line with the legislative framework and national policies on noise and vibration pollution.

## Appraisal

- 8.5 The details submitted under condition 19 are 'Cognition Land + Water, Construction Environmental Management Plan, File 445-2000-2007-CEMP-01, Revision 004'.
- 8.6 The Council's Environmental Health have reviewed the submitted documents and confirmed they are satisfied with the contents. The Council's Ecologist was consulted but no comments were received.
- 8.7 To clarify, the report relates to the demolition and remediation phase, not the construction phase. The condition is worded in such a way as to allow approval in phases and a further construction environmental management plan will need to be submitted for approval before further works can proceed.
- 8.8 It is recommended that the details submitted in relation to condition 20 on construction environmental management plan for the demolition phase only are approved. The case officer and environmental health officer reviewed the submitted documents and are satisfied with the contents.

## 9. 23/00713/COND

- 9.1 Application for approval of details reserved by condition 21 (Ecological Mitigation and Enhancement Plan) of approved 20/01336/OUTMAJ. The condition states:

- 9.2 *No phase of the development hereby granted outline planning permission, demolition, or works associated with the change of use hereby permitted shall take place until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. 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.*

*With the exception of ongoing measures after construction no part of the development shall be brought into use, or dwelling occupied, until the mitigation measures have been provided in accordance with approved details for each phase.*

*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.*

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

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

<b>Compton Parish Council:</b>	The cover letter refers to a “remediation and earthwork strategy” The only thing provided is a cover letter. The detailed document is not available on the Council portal, and therefore cannot be subject to consultation. It is unclear if this information has actually been submitted and therefore whether the condition can be appropriately discharged at this time.
<b>Ecology:</b>	No comments received

### **Public representations**

- 9.4 No representations have been received

### **Appraisal**

- 9.5 The details submitted under condition 19 are ‘Report to Partially Discharge Condition 21 of 20/01336/OUTMAJ, Ecological Mitigation and Enhancement Plan – Demolition, by Aecom.
- 9.6 The document is not available on the Council’s website where the Council does not publish information that may relate to protected species. The Council’s Ecologist was consulted but no comments were received.
- 9.7 To clarify, the report relates to the demolition and remediation phase, not the construction phase. The condition is worded in such a way as to allow approval in phases and a further ecological mitigation and enhancement plan will need to be submitted for approval before further works can proceed.
- 9.8 It is recommended that the details submitted in relation to condition 21 on ecological mitigation and enhancement for the demolition phase only are approved. The case officer has reviewed the submitted documents and are satisfied with the contents.

## **10. Planning Balance and Conclusion**

- 10.1 The case officer and relevant consultees have reviewed the information submitted pursuant to details submitted for approval under the following discharge of condition applications:

23/00719/COND for of conditions 16 and 17 regarding archaeological investigation and building recording;

23/00711/COND for condition 18 Part A regarding land contamination;

23/00794/COND for condition 18 Part B-D regarding land contamination;

23/00718/COND for condition 19 regarding construction method statement during the demolition phase only;

23/00716/COND for condition 20 regarding construction environmental management plan during the demolition phase only;

23/00713/COND for condition 21 regarding ecological mitigation and enhancement during the demolition phase only;

- 10.2 Subject to the requirement that all demolition and development activities take place in accordance with the approved details and the full requirements of the conditions the details are considered to be acceptable.

## 11. Full Recommendation

- 11.1 To delegate to the Development Control Manager to APPROVE the information submitted pursuant to conditions 16 and 17 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out below.
- 11.2 To delegate to the Development Control Manager to APPROVE the information submitted pursuant to conditions 18 Part A of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out below.
- 11.3 To delegate to the Development Control Manager to APPROVE the information submitted pursuant to conditions 18 Part B-D of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out below.
- 11.4 To delegate to the Development Control Manager to APPROVE the information submitted pursuant to conditions 19 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out below.
- 11.5 To delegate to the Development Control Manager to APPROVE the information submitted pursuant to conditions 20 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out below.
- 11.6 To delegate to the Development Control Manager to APPROVE the information submitted pursuant to conditions 21 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out below.

1.	<b>Condition 16</b> The details submitted in relation to Condition 16 are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice, and in accordance with the following approved details:  Written Scheme of Investigation for Archaeological Mitigation Works and Historic Building Recording 60544578 received 22 <sup>nd</sup> March 2023.
2.	<b>Condition 17</b>

The details submitted in relation to Condition 17 are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice, and in accordance with the following approved details:

Written Scheme of Investigation for Archaeological Mitigation Works and Historic Building Recording 60544578 received 22<sup>nd</sup> March 2023.

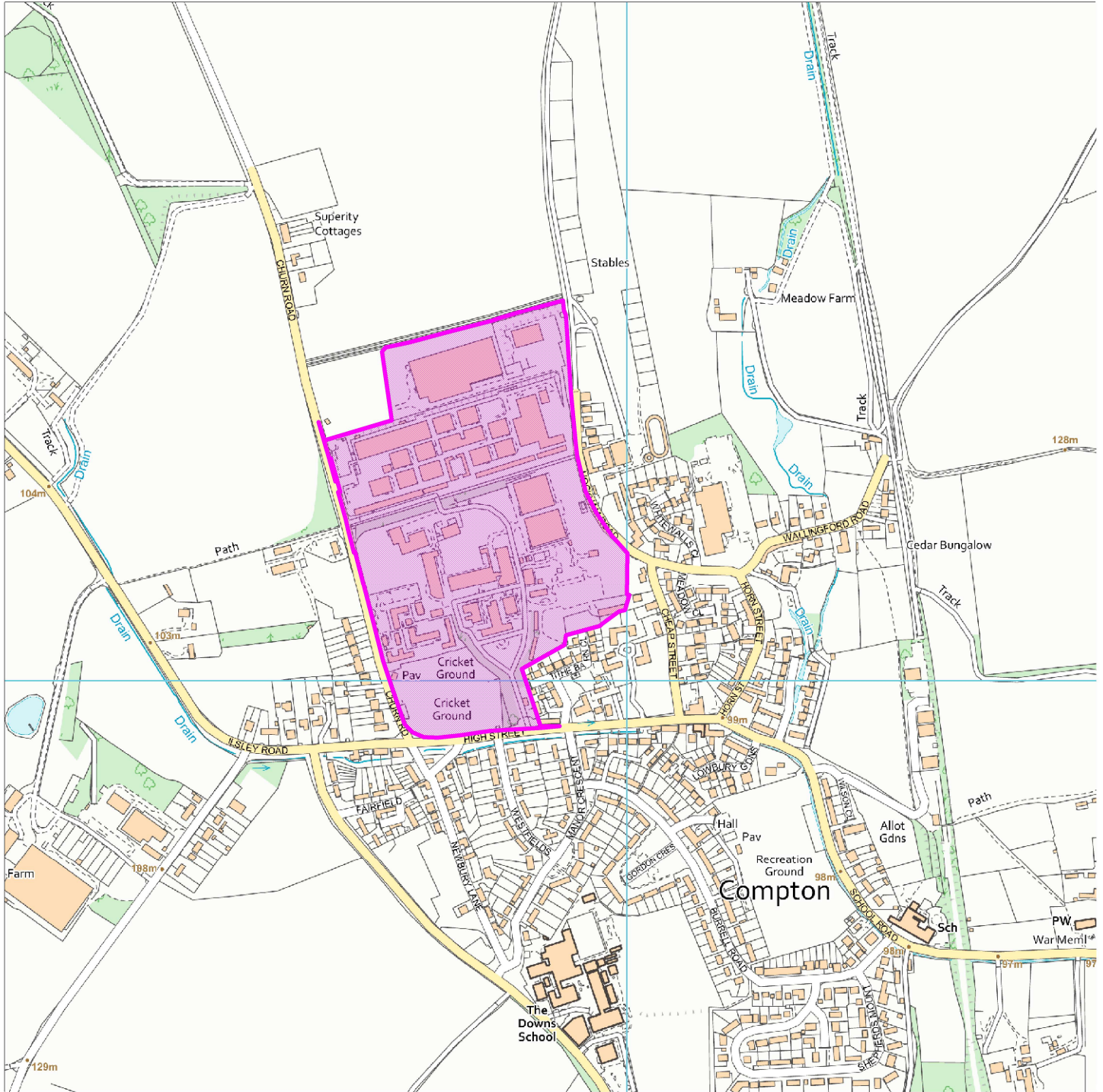
3.	<p><b>Condition 18 Part A</b></p> <p>The details submitted in relation to Condition 18 Part A are hereby approved by the Local Planning Authority. To fully comply with these conditions, the development must be carried out in accordance with the full terms of the conditions as set out in the decision notice, and in accordance with the following approved details:</p> <p>Geo-environmental Desk Study ref 60544578 dated October 2019 Part 1 received 22<sup>nd</sup> March 2023.  Geo-environmental Desk Study ref 60544578 dated October 2019 Part 2 received 22<sup>nd</sup> March 2023.  Geo-environmental Desk Study ref 60544578 dated October 2019 Part 3 received 22<sup>nd</sup> March 2023.  Geo-environmental Desk Study ref 60544578 dated October 2019 Part 4 received 22<sup>nd</sup> March 2023.  Ground Investigation Report dated September 2019 Part 1 received 22<sup>nd</sup> March 2023.  Ground Investigation Report dated September 2019 Part 2 received 22<sup>nd</sup> March 2023.  Ground Investigation Report dated September 2019 Part 3 received 22<sup>nd</sup> March 2023.  Ground Investigation Report dated September 2019 Part 4 received 22<sup>nd</sup> March 2023.  Ground Investigation Report dated September 2019 Part 5 received 22<sup>nd</sup> March 2023.  Ground Investigation Report dated September 2019 Part 6 received 22<sup>nd</sup> March 2023.</p>
4.	<p><b>Condition 18 Part B-D</b></p> <p>The details submitted in relation to Condition 18 Part B-D are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice, and in accordance with the following approved details:</p> <p>Remediation Scheme RS-Compton Rev B received 22<sup>nd</sup> March 2023.</p>
5.	<p><b>Condition 19</b></p> <p>The details submitted in relation to Condition 19 are hereby approved by the Local Planning Authority for the demolition phase. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice, and in accordance with the following approved details:</p> <p>Construction Method Statement CMS-Compton Rev 01 received 22<sup>nd</sup> March 2023.</p>
6.	<p><b>Condition 20</b></p> <p>The details submitted in relation to Condition 20 are hereby approved by the Local Planning Authority for the demolition phase. To fully comply with these conditions, the development must be carried out in accordance with the full terms of the conditions as set out in the decision notice, and in accordance with the following approved details:</p> <p>Construction Environmental Management Plan 445-2000-2007-CEMP-01 Rev 004 received 22<sup>nd</sup> March 2023.</p>
7.	<p><b>Condition 21</b></p> <p>The details submitted in relation to Condition 21 are hereby approved by the Local Planning Authority for the demolition phase. To fully comply with these conditions, the development must be carried out in accordance with the full terms of the conditions</p>

	as set out in the decision notice, and in accordance with the following approved details:
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	Ecological Mitigation and Enhancement Plan – Demolition dated February 2023 received 22nd March 2023.
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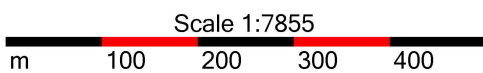


Map Centre Coordinates :

Scale : 1:7854

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	11 July 2023
<b>SLA Number</b>	0100024151

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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	20/02079/COMIND  Kintbury Parish  Council	16 <sup>th</sup> December 2020 <sup>1</sup>	Redevelopment of land within the existing walled garden to provide 22 additional units of C2 accommodation as an extension to the Audley Inglewood care community and a new pavilion with associated landscaping, infrastructure and parking.  Inglewood House Templeton Road Kintbury Hungerford RG17 9AA  Audley Group

<sup>1</sup>Extension of time agreed until 24<sup>th</sup> August 2023.

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02079/COMIND>

## Recommendation Summary:

To **DELEGATE** to the **Development Control Manager** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8 of the report) and the completion of a Section 106 legal agreement to secure the review of the Affordable Housing Viability.

OR

If the legal agreement is not completed by the 19<sup>th</sup> October 2023 (3 months of the committee meeting), or such other date as agreed in writing by the Development Control Manager in consultation with the Chairman of the Committee, to **DELEGATE** to the Development Control Manager to **REFUSE PLANNING PERMISSION**, for the reasons set out in Section 8 of the report.

## Ward Members:

Councillor Dennis Benneyworth  
Councillor Denise Gaines  
Councillor Tony Vickers

## Reason for Committee determination:

Call in by Ward Member and more than 10 letters of objection.

## Committee Site Visit:

13<sup>th</sup> July 2023

## Contact Officer Details

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

## 1. Introduction

- 1.1 This application seeks full planning permission for the redevelopment of land within an existing walled garden to provide 22 additional extra care units of C2 accommodation and the construction of a new pavilion as an extension to the Audley Inglewood care community with associated landscaping, infrastructure and parking.
- 1.2 The proposed 22 units will all have 2 bedrooms and be arranged entirely within the walled garden and are classified under Use Class C2 (residential institutions). The proposed units will be accessed from Inglewood Road using the existing secondary access to the site. The existing internal road on the eastern boundary of the walled garden will remain.
- 1.3 Currently the wider care community site provides 140 parking spaces (including 50 resident spaces, 70 visitor spaces, 17 disabled bays, and 3 Electric Vehicle Charging Points (EVCs)). An additional 22 parking spaces will be provided for the proposed additional units, and this is proposed at 1 parking space per unit. The new parking is proposed to the north of the walled garden on the northern site boundary and west of the secondary site access. It is proposed that 3 of the parking spaces will have EVCs.
- 1.4 The proposal is supported by a sustainability statement which proposes the use of an air source heat pump as the main energy source for heating and hot water needs of each of the units. The sustainability statement proposes various other measures to manage water consumption include metering, low consumption sanitary fittings and controls, sustainable urban drainage systems (SUDS) and rainwater harvesting. The development is proposed with a solar power system. The proposed solar system will be installed and fixed on the flat roof of each unit. The solar array will have a total rated output of approximately 5kW. It is proposed that an insulated factory storage cylinder will be installed for domestic hot water storage.
- 1.5 It is proposed that the new occupants/residents of the development will have access to the Audley Club which is located on the main care community site. The Audley Club facilities on the main care community site include a swimming pool, sauna, stream room, gym, salon and treatment rooms, lounge, library, hobbies room, restaurant and bistro and meeting rooms.
- 1.6 In addition, it is proposed to build a small pavilion building adjacent to the old cricket field located to the east of the walled garden. The proposed pavilion would be approximately 128 square metres in floor area and comprise an open area, storage spaces and toilets.

### ***Background and planning application history***

- 1.7 The application has been delayed mainly due to the applicant seeking to resolve three matters of objection on the application:
  - Insufficient information due to a lack of protected species surveys.
  - Impact on highway safety – access to the site for construction and HGV vehicles.

- Failure to make a provision for Affordable Housing (this is following a viability review)
- 1.8 The Local Planning Authority's Planning Managers had a meeting with the applicant to discuss the above matters and the applicant requested additional time to address the outstanding points. The Head of Planning agreed that the applicant or their Viability Consultant could engage with the LPA's Viability Consultants to reach a common ground on the affordable housing appraisal information and viability figures. The applicant also requested additional time to submit the required protected species surveys for the site.
- 1.9 Details of the Highway passing places were also submitted following a site meeting between the applicant and the Highway Authority Officers.
- 1.10 The application has therefore been the subject of numerous additional and amended documents submitted over the period.
- 1.11 Audley Inglewood care community granted planning permission under application 06/01018/FULEXT and the subsequent Section 73 application under reference 09/01071/FULEXT as an extra care community consisting of 96 residential units of accommodation with shared communal facilities. The proposed 22 units will expand the existing development.
- 1.12 The site is located outside a defined settlement and in the countryside, to the west of the settlement of Kintbury. The buildings of Audley Inglewood to the east of the walled garden include a listed clock tower, the rebuilt Inglewood Park mansion and an existing Audley Inglewood development. To the west of the development site, there are several detached houses, namely Ingleville, Walmsley House and Athnassey House.
- 1.13 The rectangular walled garden is a former kitchen garden, consisting of walls made from redbrick, with alternative stretcher and header courses. The red brick walls rise to approximately 3 metres on the west, east and south and approximately 5 metres on the north. Access to the garden is gained via entrances in the walls near the northwest and northeast corners, at the central point of the east wall, and near the southeast corner. On the northern side external of the walled garden there is a lean-to with a slate roof.
- 1.14 The proposal has benefited from pre-application advice from the Local Authority.

## 2. Relevant Planning History

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

Application	Proposal	Decision / Date
17/00292/CERTE	To seek confirmation that the use of the two cottages as ancillary accommodation in connection with the Audley Care Community is lawful.	Approved
14/01377/FUL	Construction of solar array.	Approved

11/01808/FUL	Facing work to Clock Tower	Approved
09/01071/FULEXT	Section 73 variation of Condition 2 (Amended plans) to include "And subsequent revised plans including demolition of existing house on site" and removal of Condition 34 (Internal feature retention) of approved planning permission 06/01018/FULEXT.	Approved
06/01018/FULEXT	Conversion and redevelopment of Inglewood House and associated buildings and grounds to an extra care community consisting of 96 residential units of accommodation with shared communal facilities.	Approved
02/01211/COMIND	Redevelopment of existing Health Farm and which includes road improvements to Templeton Road.	Approved

### 3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. An EIA screening exercise has been completed. The proposed development does not exceed the threshold in column 2 of Schedule 2 (number of dwellings and the site area does not exceed 5 hectares). It is concluded that an EIA statement is not required in terms of the EIA Regulations.
- 3.2 A site notice was displayed on 08<sup>th</sup> October 2020 and the deadline for representations expired on 29<sup>th</sup> October 2020.
- 3.3 The development has been amended on numerous occasions and additional information has been submitted. The main amendment plans and additional supporting information package was received in response to officer-level feedback. According to the Planning Practice Guidance, where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary, considering a number of considerations including previous objections, and the significance of the changes. These amendments have been to address specific technical and expert concerns raised by consultees, and the amendments have been made publically available via the Councils planning website where legislation allows. Given that these amendments have been in response to technical issues and did not alter the originally proposed scheme, it has not been necessary to post an amended plans site notice.

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

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

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Kintbury Parish Council:</b>	<p>Objection:</p> <ul style="list-style-type: none"> <li>• Development within the AONB</li> <li>• Development is outside the settlement boundary.</li> <li>• Site is not allocated for housing and local housing allocations are sufficient.</li> <li>• Proposal is considered overdevelopment.</li> <li>• Additional traffic generation impacts.</li> <li>• Access via Templeton Road is unsatisfactory as it cannot accommodate the current traffic.</li> <li>• Development is out of keeping with existing Inglewood House</li> </ul>
<b>WBC Highway Authority:</b>	No objection
<b>WBC Ecology Officer</b>	No objection subject to conditions
<b>WBC Archaeology Officer</b>	No objection
<b>WBC Tree Officer</b>	No comments received
<b>WBC Local Lead Flood Authority</b>	No comments received
<b>WBC Environmental Health</b>	No objection
<b>WBC Conservation:</b>	No objection
<b>Royal Berkshire Fire and Rescue</b>	No objection subject to informative
<b>WBC Viability Consultant</b>	No objection subject to section 106 review mechanism for affordable housing and viability
<b>WBC Housing</b>	No objection, subject to affordable housing provision as

<b>Development</b>	a contribution.
<b>WBC Public Rights of Way</b>	No objection subject to informative
<b>North Wessex Down AONB</b>	No comments received
<b>Environment Agency</b>	No comments to make response received
<b>Berkshire Garden Trust</b>	No objection, submission of a Conservation Management Plan for the whole site recommended.
<b>Thames Water</b>	No objection subject to informative

### ***Public representations***

4.2 Representations have been received from 59 contributors in objection and one impartial contributor.

Objectors = 55

Supporters = 11

Impartial = 0

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following planning related points have been raised:

Objection points:

- Development will have an impact on the AONB.
- light pollution should be avoided in the AONB
- Development is outside the settlement boundary.
- The site is not allocated for housing and local housing allocations within the area are sufficient
- Proposal is considered overdevelopment of the walled garden.
- The development will result in additional traffic generation which will impact on highway safety.
- Local lanes are extremely hazardous and dangerous.
- Increased parking requirements
- Access via Templeton Road is unsatisfactory as it cannot accommodate the current traffic.
- Development is out of keeping with existing Inglewood House
- Facilities and Services at Audley Inglewood are already overloaded.
- Local GPs are overstretched.
- Development will have an impact on Biodiversity including protected species .
- The proposal is not providing Biodiversity Net Gain
- The walled garden was supposed to be used as allotments for residents in the Village.
- No acoustic appraisal has been submitted.
- Trees within the walled garden will be lost
- bus stop walk is unrealistic for the majority of Inglewood owners
- The garden wall should be restored and maintained.
- Water supply and water quality is not addressed



- By seeking C2 use, the proposal is avoiding affordable housing provision.

Support points:

- very attractive property within 38 acres of beautiful parkland
- no detrimental impact on existing residents
- the houses only reaching to the top of the walls and within an attractive garden.
- facilities in the main house are adequate to cope with further residents.
- highway outside is to be widened.
- Audley Inglewood is a large site and should be fully utilised
- Pavilion will provide space for meetings and games.
- The walled garden is derelict.
- Walled garden cannot be demolished but should be restored.
- Proposal will make it possible for another 30/40 elderly people to enjoy the security and care that Audley provides

## 5. Planning Policy

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

- Policies NPPF, ADPP1, ADPP5, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Housing Site Allocations Development Plan Document (HSA DPD): Policies: GS1, C1 and P1.
- Policies OVS.5, OVS.6, TRANS.1, of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-2024
- North Wessex Downs AONB Position Statement: Housing (October 2012)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2017)
- Planning Obligations SPD (2015)
- Conservation of Habitats and Species Regulations 2017
- West Berkshire CIL Charging Schedule
- Manual for Streets
- West Berkshire Council Landscape Character Assessment 2019
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014.

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Affordable Housing
- Design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- On-site amenity and facilities
- Highways safety
- Trees and Landscaping
- Flooding and drainage
- Infrastructure
- Sustainability
- Biodiversity
- Objections and representations

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

- 6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land. Policy ADPP5 provides that landscape protection is of paramount importance within the North Wessex Downs AONB. The North Wessex AONB has a statutory designation under the Countryside and Rights of Way Act 2000. Specific to planning, the NPPF states that great weight should be given to conserving landscape and scenic beauty in the AONB, which has the highest status of protection in relation to landscape and scenic beauty.
- 6.3 According to Policy ADPP5, the North Wessex Downs AONB will have appropriate and sustainable growth that conserves and enhances its special landscape qualities.
- 6.4 Policy C 1 of the Housing Site Allocation DPD outlines that there will be a presumption against new residential development outside of the settlement boundaries. The proposal is clearly for a C2 use (residential institution) as set out in the description of the proposal.
- 6.5 Policies ADPP1 and ADPP5 provide the area spatial strategy for the AONB within West Berkshire. Policy ADPP1 sets out the settlement hierarchy for the district and further outlines that only appropriate limited development is to be allowed in the open countryside focused on addressing identified needs and maintaining a strong rural economy.
- 6.6 The submitted extra care needs assessment report outlines that demand continues to increase for the provision of extra care accommodation due to an ageing population. The statement also outlines that extra care accommodation has evolved and requires provision to respond to the growing demand from older members of the population with demands for greater choice, quality and independence. As set out in the next section, Officers have liaised with the Council's Adult Social Care and Housing Development Officers and the Council's own evidence within the Council's Housing

Strategy 2020-2036 and the Icen Housing Needs Evidence Report (May 2020) indicates an identified need for extra care accommodation within the district.

- 6.7 The existing extra care use of Audley Inglewood is also a material consideration. As a specialist kind of residential development, Officers are satisfied that the need for extra care accommodation for specific specialist C2 units in the form of dementia care has been demonstrated. It is therefore considered that the proposal sufficiently overcomes the presumption against new residential development in this location, by justifying an identified need. It will be necessary to ensure the units remain within C2 use, this will be secured by a condition.

### ***Affordable housing***

- 6.8 Policy CS6 of the WBCS is concerned with the provision of affordable housing. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development.
- 6.9 The submitted supporting plans and documents show the proposed units to provide residential accommodation with facilities for day-to-day independent living and therefore should be classified as a 'dwelling' which clearly falls within the Council's affordable housing policy and should therefore deliver policy compliant affordable accommodation.
- 6.10 In a High Court decision on 31 July 2020, concerning Rectory Homes Limited vs Secretary of State for Housing Communities and Local Government and South Oxfordshire District Council, the High Court Judge concluded that C2 use class or "Extra Care" units should provide affordable housing in the same manner as C3 use class dwellings.
- 6.11 As with the West Berkshire Core Strategy Policy CS6, both the South Oxfordshire Core Strategy and the neighbourhood plan required that, subject to viability considerations, that every development above a set threshold should provide affordable homes or that developers should make a financial contribution to enable such provision to be made off-site.
- 6.12 The Judge stated that it is well established that the terms "dwelling" and "dwelling house" in planning legislation refer to "a unit of residential accommodation which provides the facilities for day-to-day private domestic existence." As such the Judge added that it could include an extra-care dwelling, in the sense of a private home with the facilities needed for "independent living but where care is provided to someone in need of care."
- 6.13 In this specific case, Officers consulted the West Berkshire Housing Development Officer and Adult Social Care Service. The Adult Social Care Service indicated that they are looking to increase the amount of extra care accommodation in the district, and they were able to indicate to Officers that there was a Council waiting list for extra care housing. The Housing Officer also evidenced that there is an emerging increase in the older population in the district as a projected population change trend to 2036. This has been identified both in the Council's Housing Strategy 2020-2036 (Part 5 Table 1) and the Icen Housing Needs Evidence report (May 2020) (Table 5.2).

- 6.14 Adult Social Care were also concerned that the proposed new units would be unaffordable for most residents due to the likely purchase cost. Due to these concerns Adult Social Care indicated that a financial contribution would be preferable for this specific site.
- 6.15 The applicant then submitted a viability report which concluded that providing a financial contribution to the Council would render the development unviable, the applicant therefore proposed “nil” financial contribution.
- 6.16 Officers instructed the Council’s Viability Consultants to review the submitted viability report. The first review by the Council’s Consultants concluded that the development would remain viable if a contribution was paid to the Council. The Council’s Consultants indicated that they were unable to support the submitted approach which assumed no Section 106 contributions or affordable housing. This was due to the applicant’s submitted build cost being above the average rates suggested by the Building Cost Information Service (BCIS) for standard C3 housing.
- 6.17 The Local Planning Authority’s Planning Managers had a meeting with the applicant to discuss the above matters and the applicant requested additional time to address the outstanding points. The Head of Planning agreed that the applicant or their Viability Consultant could engage with the LPA’s Viability Consultants to reach a common ground on the Affordable Housing appraisal information and viability figures.
- 6.18 After a lengthy process and having tested various scenarios and sought a second opinion from a Quantity Surveyor on the build costs, the Council’s Viability Consultant agreed with the submitted conclusion that the scheme will not support a contribution to Affordable Housing. However, the Council’s Viability Consultant recommended that the Council considers a review mechanism within a Section 106 agreement given the uncertainty around sales values, the marginal viability position, and the likelihood of a high specification and the build cost translating into upper end values. The review mechanism will provide certainty for the Council on the viability position.
- 6.19 In conclusion, having considered the identified need for extra care accommodation as outlined above the principle of development is considered acceptable on balance in accordance with Policy ADPP1. The wider development plan policies and other material planning considerations are further considered below.

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

- 6.20 The site is located within a location forming part of the AONB, as such the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any from the proposed development.
- 6.21 A Landscape Visual Impact Assessment (LVIA) has been submitted and provides an acceptable assessment of the development impacts from various public receptor points. The assessment has included potential views from residential properties and public viewpoints. A Public Rights of Way footpath KINT/20/1 runs in a south easterly direction along the southern boundary of the site. Another Public Rights of Way footpath KINT/40/1 is located to the northwest of the site beyond Inglewood Road and runs in a northerly direction.

- 6.22 The views towards the development area are restricted by the height of the walls of the walled garden, which provides a visually well contained site that has restricted views from Public Rights of Way, residential properties and the public highways. Views of the northern area of the development area are restricted to the north-eastern corner at the entrance off Inglewood Road.
- 6.23 The area proposed for the car park has been located adjacent to the northern boundary, which makes use of the screening offered by the existing hedgerow and existing bund. A landscaping strategy has been provided within the LVIA and focusses on restoring the garden through appropriate layout of paths, seating and planting set into a formalised garden. The design is focused on the end user and is submitted as being based on dementia garden design principles.
- 6.24 The design of the buildings would be different from those within the locality, being single storey and with a flat roof. The proposed units have been designed such that their layout, size and scale does not appear out of context in relation to the existing garden wall and adjacent properties to the west and east. The height of the units is contained within the retained garden walls. The proposed design and scale will lessen the visibility of the development from the surrounding countryside and setting in an Area of Outstanding Natural Beauty. Officers have also considered that the character and appearance of the area can nevertheless be impacted by the use of land. It is considered that the proposal would intensify the existing use of the whole site and utilise more heavily a secondary access off Inglewood Road.
- 6.25 The proposed pavilion is sympathetically designed in size and scale and will be located within the field surrounding by mature vegetation. The pavilion is considered to not present an adverse impact on the character of the area.

#### *Heritage*

- 6.26 Policy CS19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings. This approach is supported by the NPPF. Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.27 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 6.28 West Berkshire Council considers the walled garden to be a non-designated heritage asset. Putting the walled garden to a viable use adds weight to the principle of the development in this location.
- 6.29 The walled garden has heritage significance as it is considered an ancillary feature typical of an English country house. The walled garden at Inglewood is one element of a historic estate which has individual elements within the parkland of Inglewood that are listed by Historic England. The buildings of the Audley site to the east of the walled garden include a listed clock tower, listed gate piers and overthrow, the rebuilt Inglewood Park mansion and a more recent Audley expansion development.
- 6.30 As part of the walled garden, there are key heritage features such as the crucifix and stone plaques shown mounted on the outside of the east facing wall. A small private graveyard lies adjacent to the east boundary wall of the historic kitchen garden. The square enclosure is bound by a formal hedge. The west boundary of the graveyard is formed by the garden wall and is ornamented by a large stone crucifix and some memorial plaques. A second memorial lies at the centre of the grassed interior of the enclosure. The submitted Heritage Statement states that the graveyard is associated with the Catholic Order De La Salle who purchased Inglewood House as a training centre for the Order in 1929.
- 6.31 The Council's Conservation and Archaeology Officers have been consulted on the application and have reviewed the submitted Heritage Impact Assessment.
- 6.32 The Conservation and Archaeology Officers have no objections. The Conservation Officer has indicated that the original house at Audley was originally a small Georgian country house which was significantly remodelled and extended through the 19th and 20th centuries. The country house was demolished and replaced by a new house of similar scale and form in 2012 under application 09/01071/FULEXT. A new development of two storey residential units was also constructed to the west of the house, in between the house and the walled garden. The Conservation Officer considers that the walled garden is of local historic and architectural interest.
- 6.33 The application originally included the conversion of the existing small brick lean-to attached to the exterior elevation of the west wall to a 2 bedroom unit. However the Conservation Officer objected to this element and this element has now been removed from the proposed development. The Conservation Officer was concerned that the creation of a residential curtilage outside the walls would have a harmful impact on the setting and character of the garden wall. The Conservation Officer stated that the proposal within the walled garden has been sympathetically designed and will maintain the character of the historic walled garden and will provide the redundant walled garden with a new purpose, thereby helping to sustain its significance and ensure its long term future.
- 6.34 The Conservation Officer has no objection to the proposed pavilion as it will be located approximately 80 metres to the north of the Grade II listed Clock tower, and will be screened from the clock tower by mature trees.
- 6.35 The Archaeology Officer has no objections and has agreed that the garden holds evidential, historic and aesthetic value. Given the submitted drawings and photographs, the Archaeologist has concluded that there is no requirement for a

building recording condition or any specific archaeological implications. The proposed development has no impact on the graveyard. The monuments attached to the east facing wall of the walled garden will remain and continue to be maintained by the De La Salle Brothers.

- 6.36 The Berkshire Garden Trust were consulted and raised no objections and have welcomed the amended proposals to contain the residential development within the walls of the kitchen garden. The Berkshire Gardens Trust raised some concerns with the cumulative development of the whole site and Inglewood Park, particularly how this may have impacted on its significance. The Berkshire Gardens Trust suggested that a Conservation Management Plan may be required for the whole Inglewood Park,. Officers consider that this is not reasonable and necessary as the site's heritage assets have been individually considered and are not affected by the proposed development.

*The North Wessex Downs AONB Management Plan 2019 – 2024*

- 6.37 The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019 – 2024 describes the sense of remoteness and tranquillity associated with the North Wessex Downs as fundamental to the character of the AONB and vital to the enjoyment and appreciation of the landscape, the North Wessex Downs' vision seeks to make the North Wessex Downs AONB a place where development is low-impact. Officers consider that the proposed units and landscaping are of an acceptable standard of design, size and scale within the context of the character and appearance of the area. the proposed development adequately respects and enhances the distinctive character of the site and this part of the North Wessex Downs AONB.
- 6.38 Given the careful design, scale and proposed landscaping strategy, Officers consider that the proposed development would have no detrimental impact on the character and appearance of the area and would comply with Policies ADPP1, ADPP5, CS14 and CS19 of the Core Strategy and policy C3 of Housing Site Allocation DPD. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design and the North Wessex Downs AONB Management Plan 2019 – 2024.

***Impact on neighbouring amenity and quality of life***

- 6.39 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance regarding the potential impact upon neighbouring amenity.
- 6.40 The nearest dwellings are located to the west and east of the site, however the dwellings are located a sufficient distance away from the development.
- 6.41 Overall, the impact on neighbouring amenity from the proposed development is considered minimal and it is considered that the contained development would not have a materially harmful impact on neighbouring residents such that the proposal accords with CS14 and the SPD on Quality Design.

***On-site amenity and facilities for future occupiers***

- 6.42 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 70 square metres for houses with 2 bedrooms.
- 6.43 It is indicated by the applicant that the occupiers of the units would have access to the courtyard garden area within the walled garden and the rest of the care community site. It is considered that the shared courtyard garden provision and the wider site would provide sufficient amenity for future occupants.
- 6.44 The units are designed with fenestration away from the walls. Given the height of the walls and orientation of most of the windows, it is considered that there would be no adverse impact on daylight.
- 6.45 The Environmental Health Officer has no environmental health objections to the proposed development. Whilst the Environmental Health Officer has no objections, there are potential noise impacts from air source heat pump machinery and equipment. As required by standard conditions, all plant, machinery and equipment installed or operated in connection with the carrying out of the development will be required to be enclosed and attenuated such that any noise that may be generated does not exceed at any time a level of 5dB (A) below the existing background noise level, or 10dB (A) if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property. These measures are considered necessary particularly with regard to mitigating the effects of the air source heat pump.
- 6.46 Overall, and subject to the conditions, the proposed development is considered to comply with policy CS14 of the West Berkshire Core Strategy 2006-2026 and Quality Design SPD in providing sufficient amenity.

### ***Highway safety***

- 6.47 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.48 The planning application has been submitted with a Transport Statement (TS) which has been reviewed by the Highway Officer.
- 6.49 Currently the site provides 140 parking spaces including 50 parking spaces for residents and 70 spaces for visitor's spaces. Within this provision, there are 17 spaces for the disabled, and three with electric Vehicle Charging Points (EVCs). It is proposed to provide an additional 22 parking spaces providing one space per each new unit. The car parking will be provided to the north of the walled garden adjacent to the existing access off Inglewood Road. Two to three of these parking spaces will have EVCs. The Highways Officer has indicated that one parking space per unit is acceptable.
- 6.50 The Highways Officer expressed concerns regarding construction traffic with a requirement put forward for a haul route avoiding Kintbury and taking construction traffic west towards Hungerford. The Highway Officer has highlighted this as a historical requirement during the expansion of the site. Due to the narrowness of



Inglewood Road west of the site, the Highway Officer has requested the provision of additional passing places along the section of road from the site to Inkpen Road.

- 6.51 Following numerous discussions and meetings at the site between the Highways Officer and the applicant's Highway Consultants, amended plans showing the highway passing places and swept paths analysis have now been submitted and are shown on the plans included in the committee pack.
- 6.52 A Travel Plan has been submitted and will aim to encourage staff and residents of the site to use sustainable forms of travel. This is welcome and will be secured by condition to ensure the measures proposed and monitoring will be implemented and reviewed accordingly.
- 6.53 The Council's Public Rights of Way Officer has no objection provided the surface water drainage does not increase flooding to the public footpath.
- 6.54 The proposal has the potential to comply with the development plan regarding highways matters, subject to details secured by condition. Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan.

### ***Trees and Landscaping***

- 6.55 Policy CS19 of the WBCS concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Regard is given to the conservation and, where appropriate enhancement of landscape assets.
- 6.56 The significant boundary tree cover will remain and no high category trees or trees subject to statutory protection will be removed. In addition, the proposed landscape strategy will enhance the existing landscape assets. Whilst it is acknowledged that some trees within the garden will be lost, these trees are not protected and the benefit of restoring the garden and providing a future use will outweigh the loss of the trees.
- 6.57 Overall, It is therefore considered that the proposed development would conserve the existing natural landscape features in accordance with advice contained within the NPPF, and Policy CS19 of the WBCS.

### ***Flooding and drainage***

- 6.58 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.59 The application site is located within Flood Zone 1, which has the lowest probability of flooding. It is essential that Sustainable Drainage Methods (SuDS) are adopted to mitigate the cumulative impacts of development on flooding within an area and the wider district. A Flood Risk Assessment has been submitted and the final surface water drainage measures will be secured by condition.
- 6.60 It is considered that the proposal would comply with Policy CS16 of the WBCS..

### ***Water / Sewerage / Fire infrastructure***

- 6.61 Thames Water is the statutory sewerage undertaker responsible for maintaining the water and wastewater infrastructure in the local area. Thames Water did not raise any objections to the proposed development, subject to the informative on ground water monitoring.
- 6.62 The Royal Berkshire Fire and Rescue Service has no objection, subject to an informative to make the applicant aware of potential additional site-specific infrastructure requirements necessary to meet the Fire Authority's requirements critical to the delivery of an effective response. These matters will be addressed during the formal statutory Building Regulations consultation.

### ***Sustainability***

- 6.63 Policy CS15 of the Core Strategy requires all non-residential development to achieve a BREEAM Excellent rating. Officers consider that attaching a condition requiring the proposed development to achieve BREEAM Excellent rating for the pavilion is reasonable in accordance with Policy CS15.
- 6.64 Policy CS15 states that major development shall achieve reductions in total carbon emissions through renewable energy or low/zero carbon energy generation on site or in the locality of the development as long as a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable. The assessment of energy and sustainability matters was moved to Building Regulations when the Code for Sustainable Homes was withdrawn from planning policy by the Written Ministerial Statement dated 22 April 2015.
- 6.65 The energy policies in the National Planning Policy Framework encourage renewable and low carbon energy generation. Other energy measures and standards are secured from performance metrics under Part L (Conservation of fuel and power) of the Building Regulations. Other provisions such as Fire safety (Part B), Ventilation (Part F), Sanitation hot water and water efficiency (Part G) and Heating and Appliances (Part J) will also be addressed through Building Regulations. Construction methods have also largely been moved into Building Regulations.
- 6.66 The proposal is supported by a sustainability statement which proposes the use of an air source heat pump as the main energy source for heating and hot water needs of each of the units. The air source heat pump will be powered by the proposed solar panels on each of the units and is considered to provide a more efficient and low carbon emission solution. The sustainability statement also proposes various other low carbon measures to manage water consumption including metering, low consumption sanitary fittings and controls, and rainwater harvesting. The development is proposed with a solar power system, which will be installed and fixed on the flat roof of each unit. The solar array will have a total rated output of approximately 5kW. It is proposed that an insulated factory storage cylinder will be installed for all domestic hot water storage. The sustainability statement concludes that the measures proposed will result in a net zero carbon development.
- 6.67 Officers consider that the proposed sustainability measures meet the requirements of the development plan and can be secured by condition.

## ***Biodiversity***

- 6.68 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.69 Natural England had no comments to make on the application. The submitted Amended Biodiversity Net Gain (BNG) Report indicates that a range of enhancement measures will be incorporated into the proposals including wildflower planting, fruit orchards, gravelled areas with scrub, beech hedging, green wall planting, spring bulbs, raised planters for vegetable growing, scrubland, approximately 96 trees and bat boxes. The existing hedgerow along the northern boundary of the site will be retained and new native species hedgerow planting will be added around the parking spaces and within the walled garden. In addition to non-tangible enhancement gains, such as the installation of bird and bat boxes on the site, the BNG net gain was considered acceptable by the Council's Ecologist. Additional enhancements will be achieved through the Landscape Ecological Management Plan secured by condition. Overall the proposed development will achieve a positive BNG.
- 6.70 The Council's Ecologist has reviewed the updated protected species surveys and proposed biodiversity net gain enhancements. The Ecologist has recommended that the application can be approved with conditions attached to any planning permission. The recommended conditions include the requirement for the submission of a Landscape Ecological Management Plan which will ensure that all Biodiversity enhancements recommended for the various habitats are secured, implemented and maintained. It is therefore considered that the proposed development would comply with Policy CS17 of the WBCS.

## ***Objections and representations***

- 6.71 Letters of objection and support have been received from members of the public and the Parish Council. The planning related merits presented in these representations were addressed in the consideration of the application and in this report and considered in detail by the relevant consultees. In addition, conditions are also recommended to address some of the points raised.

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

- 7.1 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal. Officers consider that the proposal will contribute to the wider economic dimensions of sustainable development and will support provision of new housing to address specialist needs. There are benefits arising from the development of the garden wall site, including the continued conservation of the non-designated heritage asset. Regarding the environmental role of fundamentally contributing to protecting

and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been fully assessed using expert advice as outlined in this report. Officers consider that the final amended plans sufficiently preserve and enhance the existing natural environment on the site. Officers consider that the proposal makes a significant contribution to the wider social dimensions of sustainable development through the enhancements of the site within the AONB. Officers therefore consider that the proposed development is supported by the presumption in favour of sustainable development.

- 7.2 Officers consider that the proposed Sustainable Construction and Energy Efficiency measures comply with Policy CS15 and the NPPF in achieving a low/zero carbon energy generation which also weighs positively in the planning balance.
- 7.3 The applicant's extra care needs assessment and comments from the Council's Housing and Adult Social Care Officers indicate that there is an identified need for extra care accommodation within the district. This weighs in favour of the application in accordance with Policy ADPP1. Additional weight is applied in favour of the application given that the proposed development will restore a non-designated heritage asset and bring it back into a viable use.
- 7.4 Officers have balanced the restoration of a non-designated heritage asset with delivering a viable scheme. The achievement of both objectives is considered to carry significant weight in the planning balance.
- 7.5 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is acceptable on balance and is recommended to members for approval.
- 7.6 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

## **8. Full Recommendation**

- 8.1 Delegate to the Development Control Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below, and subject to:
  - a) The completion of a satisfactory Section 106 Planning Obligation securing the Heads of Terms detailed below by 19<sup>th</sup> October 2023 (or such longer period that may be authorised by the Development Control Manager in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).
- 8.2 OR, if a Section 106 Agreement is not completed, to delegate to the Development Control Manager to **REFUSE PLANNING PERMISSION** for the reasons listed below.

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

#### **1. Affordable housing**

- To secure a clause requiring the submission of a final viability report before

occupation.

- The viability report will assess the viability of the development regarding providing an affordable housing financial contribution to West Berkshire Council.
- The viability report will be reviewed by a Council appointed Viability Consultant at the applicant's cost.
- Detailed requirements and specifications in accordance with the Planning Obligations SPD.

## 2 Council's Costs

- To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee.

### ***Schedule of Conditions***

#### 1. Time Limit for commencement

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

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

#### 2. Approved plans

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

Received on 09 September 2020:

- Refuse Store drawing No 15028 OB - GA-00-201 P1
- Proposed recreation pavilion plans drawing No 20008-PV-A-101
- Proposed recreation pavilion elevations drawing No 20008-PV-A-102
- Arboriculture assessment
- Barn Owl Survey
- Nocturnal Emergence and Dawn re-entry Survey
- Pavilion Ecological Survey
- Preliminary Bat Roost Assessment
- Preliminary Ecology Appraisal
- Reptile Survey

Received on 16 September 2020:

- Proposed block south – elevations and floor plans drawing No 15028-BS-GA-00-005-P2
- Proposed block south – roof plan drawing No 15028-BS-GA-00-006-P2
- Proposed block west – elevations and floor plans drawing No 15028-BW-GA-00-007-P2
- Proposed block west – roof plan drawing No 15028-BW-GA-00-008-P2
- Proposed block east – elevations and floor plans drawing No 15028-BE-GA-00-001-P2

- Proposed block east – roof plan drawing No 15028-BE-GA-00-002-P2
- Proposed block north – elevations and floor plans drawing No 15028-BN-GA-00-003-P2
- Proposed block north – roof plan drawing No 15028-BN-GA-00-004-P2

Received on 01 June 2021:

- Amended proposed site layout (walled garden) drawing No 15028-S-SL-00-200 P8
- Amended proposed site layout - all phases drawing No 15028-S-SL-00-201 P9
- Amended proposed elevations (inside and outside) drawing No 15028-SS(00)301-P3
- Amended Transport Statement
- Amended Travel Plan
- Amended Heritage Report
- Amended Heritage Report Addendum 2
- Amended Pavilion Historical analysis
- Amended Landscape Visual Impact Assessment and Landscape Strategy REVISION B
- Amended Flood Risk Assessment
- Extra Care Housing Needs Assessment
- Amended Planning Statement
- Amended Sustainability and Energy Statement
- Amended Proposed Bollard External Lighting drawing No SK E 01 REV A

Received on 16 June 2021:

- Heritage Report Addendum 3
- Amended Biodiversity Impact Assessment
- Ecology Statement Technical Note

Received on 26 October 2022:

- Amended Construction Route passing places plan 1 drawing No 2112024-01 REVISION B
- Amended Construction Route passing places plan 2 drawing No 2112024-02 REVISION B
- Amended Construction Route passing places plan – Swept Paths drawing No 2112024-TK01 REVISION B

Other documents:

- Amended location plan drawing No 15028-S-SL-00-001 P2 received 21 December 2020
- Heritage Statement Addendum 1 received 22 March 2021
- Audley agreed site traffic haulage route received 06 April 2021
- Traffic Management Plan received on 13 September 2021
- Phase 2 surveys – Supplementary Ecology Report received 30 June 2022
- Supplementary Ecological Report REVISION A received on 28 November 2022

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

### **3 External Materials**

Prior to above foundation level works commencing, details of external facing materials for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.

Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the AONB area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and Hermitage Village Design Statement.

### **4 Means of Enclosure and gates**

Notwithstanding the provisions of the plans hereby submitted, the development hereby permitted shall not be occupied until full details have been submitted to and approved in writing in respect of means of enclosure or boundary treatments including gates on the site. The details shall include a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected within the site.

The approved details shall be completed in accordance with the approved scheme before the development hereby permitted is first occupied. The boundary treatment shall thereafter be retained in accordance with the approved details.

Reason In the interest of visual amenity and to protect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy, the Quality Design SPD (design guidance on safe and high quality environments) 2007) and the Hermitage Village Design Statement.

### **5 Landscape and Ecological Management Plan**

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

- a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews.
- b) Provision of features for protected and priority fauna as outlined within the Ecological Assessment Reports and deliver the recommendations to ensure the appropriate protection and conservation of protected habitats and species.
- c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, public open space, and ecological mitigation area.
- d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure shown and boundary treatments and species and habitat enhancements and protections.
- e) A plan showing the design, location and installation details of all the habitat boxes and features.

- f) A plan showing the location of integrated enhancements for species such as birds and bats, bee bricks to the areas near the formal walled garden.
- g) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping.
- h) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- i) Persons responsible for implementing the works.
- j) Details of initial aftercare and long term maintenance;
- k) Details for monitoring and remedial measures.

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

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

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

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

- (a) A risk assessment of potentially damaging construction activities
- (b) Identification of biodiversity protection zones
- (c) Practical measures to avoid and reduce impacts during construction
- (d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures
- (e) The times during construction when specialist ecologists need to be present on site to oversee works
- (f) Responsible persons and lines of communication
- (g) The role and responsibilities of the ecological clerk of works or similarly competent person
- (h) Use of protective fences, exclusion barriers and warning signs
- (i) Any temporary lighting that will be used during construction
- (j) A scheme of works or such other steps to minimise the effects of dust during construction
- (k) The implementation of these measures prior to the commencement of each phase.

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

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



## **7 Natural England licence (bats)**

Any works which affect bats or great crested newts, or result in loss or deterioration of their habitats (including site clearance) shall not 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 activities to go ahead; or
- (b) A statement in writing from Natural England to the effect that it does not consider that the specified activity will require a licence.

Reason: The approval of this information is required before development commences because insufficient information accompanies the application and licence can only be issued after planning permission is granted. Mitigation will be required before any site clearance or development takes place. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **8 Natural England licence (badger sett)**

Any works which affect a badger sett or result in loss or deterioration of their habitats (including site clearance) or the provision of a replacement badger sett shall not 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 activities to go ahead; or
- (b) A statement in writing from Natural England to the effect that it does not consider that the specified activity will require a licence.

Reason: The approval of this information is required before development commences because insufficient information accompanies the application and licence can only be issued after planning permission is granted. Mitigation will be required before any site clearance or development takes place. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **9 Surface water drainage measures**

The above ground development shall not commence until the surface water drainage measures have been submitted and approved in writing by the Local Planning Authority.

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

Reason: To ensure that surface water will be managed in a sustainable manner.

This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

#### **10 Parking and turning**

The development shall not be brought into use until the associated vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking of private motor cars 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 TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### **11 Cycle parking**

No dwelling shall be occupied until details of cycle parking has been submitted and approved in writing by the Local Planning Authority. Thereafter the approved cycle parking shall be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with the submitted Travel Plan. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### **12 Construction and submitted traffic management plan**

No development shall take place until the approved highway passing places have been constructed in accordance with the approved plans.

- a) Thereafter the highway passing places shall be kept available through the construction of the approved development.
- b) The construction of the development shall proceed in accordance with the submitted Traffic Management Plan by LLS Logistics

Reason: In the interest of road safety and flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### **13 Electric Charging Point**

No unit shall be first occupied until electric vehicle charging points have been provided 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.

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

#### 14 Refuse Storage

No unit shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved drawings and these facilities shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. 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 Supplementary Planning Document Quality Design (June 2006).

#### 15 External lighting

No external lighting shall be installed until a final 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 protected species.
- (c) Include and Isolux diagram 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.

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

Reason: Firstly, to ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. Secondly, to conserve the dark night skies characteristics 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 ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

#### 16 Hours of work (construction)

No construction works shall take place outside the following hours:  
7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;

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

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

#### 17 Sustainability Measures

The development hereby permitted shall proceed in accordance with the

sustainability measures outlined within the Sustainability Statement by Gallesse Design received on 01 June 2021. The development shall not be first occupied until the sustainability measures have been implemented in full.

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

18 **BREEAM**

The pavilion hereby permitted shall achieve a rating of “Excellent” under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The development shall not be first occupied until a final certificate has been issued certifying that this rating has been achieved, and a copy of the certificate has been provided to the Local Planning Authority.

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

19 **Landscaping**

All landscape works shall be completed in accordance with the submitted Landscape Visual Impact Assessment and the Landscape Strategy Plan by Kirkham Landscape Planning dated February 2021 (REVISION B) including the schedule of planting and design components and features.

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

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.

20 **Landscaping**

All landscape works shall be completed in accordance with the submitted Landscape Visual Impact Assessment and the Landscape Strategy Plan by Kirkham Landscape Planning dated February 2021 (REVISION B) including the schedule of planting and design components and features.

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

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.

## 21 **Travel Plan**

The development hereby permitted shall proceed in accordance with the travel measures outlined within the Amended Travel Plan by Cottee Transport Planning received on 01 June 2021. The development shall not be first occupied until the sustainability measures have been implemented in full.

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

## 22 **Noise attenuation**

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

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

## 23 **Permitted Use Classes Order - removal of rights**

The 22 units hereby approved shall be used for Use Class C2 (Residential Institution) as part of extra care accommodation at Audley Care Community site and for no other purpose, including any other purpose in [Classes C2 and C3) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Any other use may not be acceptable on the site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy (2006-2026), and Policies C1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### ***Informatives***

#### **1. Approach of the LPA**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to

secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

## 2. **CIL**

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

## 3. **Legal agreements - Section 106**

This Decision Notice must be read in conjunction with the terms of the Legal Agreement. You are advised to ensure that you have all the necessary documents before development starts on site.

## 4. **Fire infrastructure**

The Fire Authority seeks to raise the profile of these requirements and requests that the relevant documentation is made available to the applicant and/or planning agent by means of web link:

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

Full assessment of the proposed development in respect of 'Building Control' matters will be undertaken during the formal statutory Building Regulations consultation.

## 5. **Waste (Thames Water informative)**

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

## 6. **Water (Thames Water informative)**

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

## 7 **Obstructing public right of way**

The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.

## 8 **Public right of way encroachment**

Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.

## 9 **Ground Levels**

Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the path, to a specification agreed with the Local Authority, prior to development commencing.

## 10 **Ecology Updated Surveys**

If development has not commenced 3 years from the date of this permission, an updated Ecological Appraisal will be required. The updated surveys shall be used to inform the updated mitigation measures for the development.

### ***Refusal reason***

If the legal agreement is not completed by the 19<sup>th</sup> October 2023, to **DELEGATE** to the Development Control Manager to **REFUSE PLANNING PERMISSION**, or to extend the period for completion if it is considered expedient to do so.

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

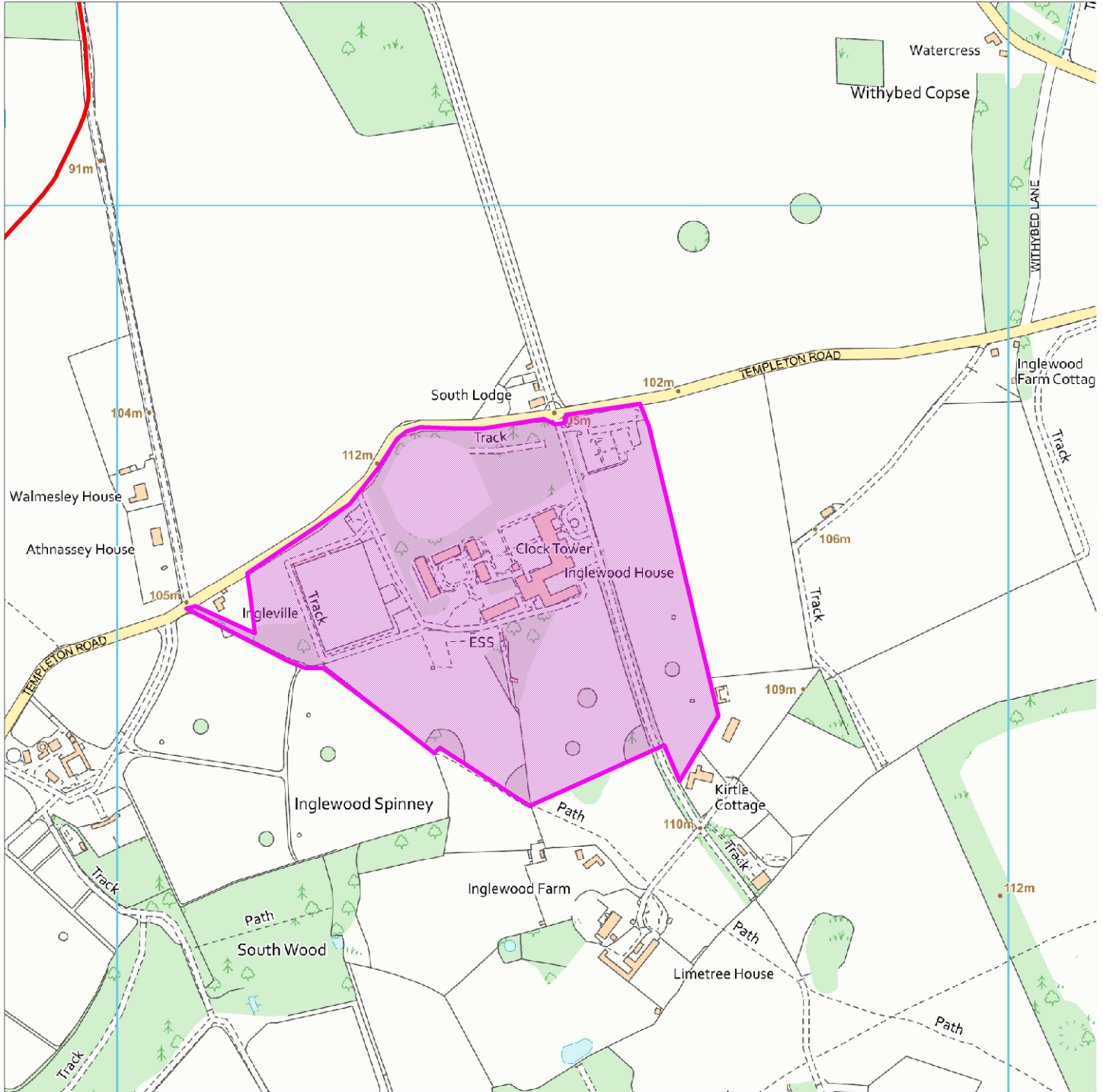
The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation.

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

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

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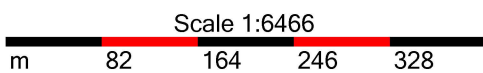


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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	06 July 2023
<b>SLA Number</b>	0100024151

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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	23/00246/HOUSE Cold Ash	17 May 2023	Retrospective: application for alterations to approved scheme 12/00538/HOUSE; first floor extension to single storey house, single storey extension to the west and new garage to replace existing.  Juniper Rise, Ashmore Green, Thatcham, RG18 9EY  Mr D Pirlo

<sup>1</sup> Extension of time agreed with applicant until 30 July 2023

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/00246/HOUSE>

**Recommendation Summary:** Grant planning permission subject to conditions

**Ward Member(s):** Councillor Dick  
Councillor Codling

**Reason for Committee Determination:** 10+ objections received

**Committee Site Visit:** 13 July 2023

## Contact Officer Details

**Name:** Donna Toms  
**Job Title:** Planning Officer  
**Tel No:** 01635 519111  
**Email:** donna.toms@westberks.gov.uk

## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for retrospective alterations to approved scheme 12/00538/HOUSE, as well as subsequent non-material amendments and Section 73a permission that altered that permission, to regularise works to the property which do not fall within the scope of the previously approved plans.
- 1.3 The property is a detached dwelling in Ashmore Green and is in the process of being turned from a single storey bungalow to a two-storey house of brick and render construction. The area is rural with an established housing estate of various scale and style of dwellinghouses of mainly brick construction.
- 1.4 The proposal is to regularise works to the property including:
- 1.4.1 Increasing overall height of roof ridge by approximately 1 metre over the approved plans.
- 1.4.2 Remove rear dormers to rear elevation to be replaced with roof windows to rear elevation and add two further roof windows to front elevation.
- 1.4.3 Simplify front elevation by removing front extension gable element.
- 1.4.4 Increase height of porch by approximately 1.27 metres to simplify internal ground floor levels and new external steps.
- 1.4.5 Change rear extension from hipped roof to gable.

## 2. Planning History

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

Application	Proposal	Decision / Date
12/00538/HOUSE	First floor extension to single storey house, single storey extension to the west and new garage to replace existing.	Approved 14/05/2012
13/03074/NONMAT	Non-material amendment to approved planning permission reference 12/00538/HOUSE: Amendment: Replace existing roof tiles with same material, same texture, and same colour but different shape and size. Change from Marley concrete 'Double Roman' tiles antique brown to Marley concrete 'Plain' tiles antique brown.	Approved 14/01/2014
20/02902/NONMAT	Application for non-material amendment to approved 12/00538/HOUSE - First floor extension to single storey house, single storey extension to the west and new	Approved 14/01/2021

	garage to replace existing. Amendment Velux windows to the front roof	
21/00720/NONMAT	Application for a non-material amendment following a grant of planning permission 12/00538/HOUSE - First floor extension to single storey house, single storey extension to the west and new garage to replace existing. Amendments: Change external material from bricks to POLYMER or MONOCOUCHE render to improve house appearance. It is expected to be a combination rendering to conceal 1960 weathered brick work and more modern and durable brick work	Refused 19/04/2021
22/01245/HOUSE	Section 73A: Variation of Condition 3 (Materials) of previously approved application 12/00538/HOUSE: First floor extension to single storey house, single storey extension to the west and new garage to replace existing.	Approved 21/07/2022

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice was displayed on 27 February 2023, with a deadline for representations of 20 March 2023.
- 3.3 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.4 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil).

## 4. Consultation

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

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

<b>Cold Ash Parish Council:</b>	Objection <ul style="list-style-type: none"><li>• Out of keeping with neighbouring properties</li><li>• Overbearing to neighbouring properties</li><li>• Use of garage as separate dwelling</li><li>• Concerns with retrospective planning applications being allowed which enable works, which have not complied with previous application to be passed by the planning department.</li></ul>
<b>WBC Highways:</b>	No objections

### ***Public representations***

- 4.2 Representations have been received from 17 contributors, 2 of which support, and 15 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

#### ***Objection:***

- Wrong address on Application Form and CIL form - I believe a planning application is a legal process - therefore the forms should be legally correct. These documents are inaccurate.  
*Response: The address details given on the application form and the location plan are sufficiently precise and correct to clearly and unambiguously identify the application site for the purposes of planning.*
- This application cannot be accepted and therefore should be rejected.
- Page 4 - ticked 'no' that works have not been completed, however the outside works are all completed.  
*Response: Would expect all works to be completed, including all external rendering and internal works, in this case the works have not been completed.*
- Page 7 - ticked that there is a relationship.  
*Response: The relationship is between the agent, Duncan Mathewson, and his daughter-in-law, who works within the highways department.*
- Impact on neighbours:  
Privacy: All side windows would be non-opening frost glass, this is now not so.  
Overbearing: on neighbouring properties  
Overshadowing: amendments leave a very tall building and must be blocking light to all levels of neighbour.  
During works life has been difficult due to self-building
- Garage: The owner appears to be living in the garage for over 8 months. Do not believe garage has consent to be habitable residence.

*Response: No condition was included in the original approval to prevent the garage being used in an ancillary manner.*

- Present day build is different to what is approved as uncovered by Building Control (BC).
- Queries why these changes were needed etc.
- No detailed engineering information with this application.

*Response: Not required in a planning application.*

- Size of house - it seems too big for the plot and appears to loom of the neighbour house on the downhill side.
- High roof seems to impede the free flow of the chimney of Little West and will enter skylights when windows are open.
- Not built in accordance with approved plans i.e., porch has been built to a larger volume, house now taller than approved, lots of sky lights not as per approved.
- Roof Tiles - don't match surrounding area - and stands out.
- Will assess on planning merits alone.
- Finds the application lacking in detail.
- Refuse on the grounds it is not honest.
- Highways - assume if larger house is designed for bigger families does this mean more vehicle movements? Were highways aware of the size change?

*Response: Highways have been consulted and have no objections.*

- The unapproved work which has been done, needs to be corrected. Should this work be approved, it will set a clear precedent for developers to circumvent the planning law.

*Response: This application seeks to regularise works that have been done.*

*There is precedence set in law under Section 73A of the Town and Country Planning Act that the Local Planning Authority is required, legally, to approach a retrospective application seeking to legitimise a development that has already taken place in exactly the same way as a 'normal' application for proposed development. So, for example, the national and development plan policies current at the time of the application should be applied, rather than those in place when the development was carried out. Obviously, if a development is in existence this can make it much easier to assess its impact, particularly where visual amenity and design considerations are of importance. However, the fact that a development has been carried out is not in itself a material consideration.*

### **Support:**

- Amazed at the transformation of this property which has morphed from a bungalow into a stunning country dwelling. Juniper Rise seems to have followed suit of Little West and the other properties which were previously bungalows and converted into appealing family double storey homes. Previously dwarfed by Little West its new shape it seems in keeping with the surroundings.
- The alterations of Juniper Rise are in keeping with the house I think that it has a lovely finish to the property and finishes it nicely.

## **5. Planning Policy**

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

- Policies ADPP1, ADPP3, CS14, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highway safety

### *Principle of development*

6.2 The site is within the defined settlement boundary of Ashmore Green where the principle in favour of development is established.

### *Character and appearance*

6.3 The application site is situated within an established housing estate in Ashmore Green and forms a linear pattern of development. The adjacent properties to the application are Old Oak to the northern boundary and Little West to the southern boundary. Old Oak is a single storey dwelling whereas Little West has been extended to form a two-storey property. There is a difference in ground level between these properties with the application site sitting higher than its two neighbours. There is a distinct mix of dwellings in the locality with varying designs and sizes of properties present.

6.4 This application seeks to regularise changes made during the construction period as detailed within the introduction above. The original application sought to add a first floor to the existing bungalow with two storey front extension with gable element, two large rear dormers and rear extension as well as detached garage. The amended plans show the two-storey front gable element being removed and retaining a simplified front elevation with a similar roof scape to that of Little West to the south. Four roof windows introduce light into the roof accommodation. From the front street scene, the dwelling appears to be a similar height to that of the southern neighbour, albeit with a larger front entrance which gives character to the property that would be lost with the removal of the front gable element. The changes to the rear include the removal of the large dormer windows, which, despite the change in height, will reduce the overall bulk to the roof slope, and are replaced with roof windows which are often preferable, as stated in West Berkshire Council's Supplementary Planning Guidance 'House Extensions'. The proposed garage, and rear extension are both in situ to the rear of the property and have limited impact on the character and appearance of the area.



- 6.5 While it is noted that there are differences between this property to those of its neighbours, looking at the area as a whole, there are a variety of styles and sizes of property, and while there are some differences in height, these have limited impact on the overall street scene. It is therefore considered that the proposed development would have limited impact on the overall character and appearance of the area once completed.
- 6.6 The proposed works have been considered against the VDS, and are considered broadly compliant as set out below:
- 6.6.1 The height of the building could be considered out of proportion with its surroundings as required in Guidelines for Housing SPGR 3 of the Cold Ash and Ashmore Green Village Design Statement, especially from the rear elevation, however, from the front street scene, there appears to be little difference between the development and its southern neighbour, 'Little West'. The proposed section AA east to west shows that Juniper Rise is at a higher level to its two neighbouring properties, which results in the overall perception of height of the dwelling. So, while there is a perception of the height being a lot taller than its southern neighbour, there is, in actuality, very little difference in heights from the ground levels to roof height between the two dwellings. The plans from the 2003 permission for Little West shows an overall height of approximately 8.56 metres and Juniper Rise is at a height of 9.11 metres from ground level with a difference of 67cm to the front elevation. Measured from the rear, due to changes in floor levels, Juniper Rise measures at 8.56 metres and Little West measures at 8.04 metres, so the perception that the new extension creates a much taller building is due to changes in grounds level and the extra 67cm to the roof line.
- 6.6.2 MEC 1 requests that existing buildings should be in keeping with and in proportion to the size of the original dwelling, however, the 2002 permission allowed for a similar extension which now has been mostly built.
- 6.6.3 MEC 2 of the Village Design Statement states that materials should be in keeping with existing building and neighbouring properties. The original brick work to the front is yellow and the other brick work is red therefore the proposed render will improve the overall appearance. It is noted that there are other rendered buildings within the area and therefore accords with SDM 2.
- 6.7 Concern is noted regarding the use of the garage as a separate dwelling, while this is acceptable as no condition as given to prevent the garage being used ancillary to the host dwelling, it is recommended that a condition to tie the garage to Juniper Rise is included within any permission granted.

### ***Neighbouring amenity***

- 6.8 Concern has been raised regarding the impact on neighbouring properties to the north and south with regards to visual impact due to overbearing, overshadowing and loss of privacy due to side windows.
- 6.9 Visual impact due to overbearing: This application seeks to increase the height of the proposed development by approximately 1 metre. The property is situated with two near neighbours to the north and south boundaries. Little West to the south, has also been extended from a bungalow to a two-storey dwelling, is situated at a lower level to the application site and about 2.8 metres from the property itself. Little West is also set forward of the application site so that it does have a larger view of the building to its northern elevation. It is clear within the photos submitted that the development is taller than the neighbouring property, however, whether it is considered overbearing would depend on the amount of brickwork facing the garden. Within the photo

submitted by the neighbour they are constructing their own rear extension which brings their rear elevation out into the garden and normal seating would be away from the neighbouring development. It is considered that while the development would be taller than originally proposed, it would have similar impact to that already approved and certainly not enough reason to refuse this application.

- 6.10 Overshadowing: The neighbouring property to the north has an existing single storey extension along the boundary with Juniper Rise, any further overshadowing from the proposed development would be negated by existing overshadowing of the existing bungalow and extension and mainly within the winter months, therefore, it is considered there would be limited impact due to overshadowing of this neighbour. It is considered there would be no overshadowing to the southern neighbour.
- 6.11 Concern regarding privacy has been raised. It is noted that a ground floor side window has been inserted into the ground floor rear extension, facing south, as originally approved in the 2012 permission. A closed board fence of approximately 1.8 metres in height separates these neighbours. No first-floor side windows have been included to the side elevations, however there are two side roof windows facing north and south. The roof window facing towards Little West would be situated approximately 1.75 metres above finished floor level and over the open void above the lounge. It is noted that there is a gallery landing, however, no direct views down to the neighbouring property would be possible from this roof window. Regarding the southern neighbouring, this window is smaller than the southern window and therefore much less of an impact on the neighbouring property. Overall, it is considered that there would be limited impact on neighbouring amenity from the changes made to the 2012 permission, if anything, the removal of the proposed dormers reduces the perception and actual overlooking to the neighbouring properties.
- 6.12 Overall, while there would be some impact due to the changes in height and style, the overall impact would be limited and certainly insufficient to recommend refusal.

### ***Highway Safety***

- 6.13 The Highways Authority had no objections to the changes proposed which will not increase bedrooms from the approved permission. It is considered there will be limited impact on highway safety.

### ***Parish Council representations***

- 6.14 Out of keeping with neighbouring properties - There are a variety of styles and sizes within the street scene.
- 6.15 Overbearing to neighbouring properties - There is some impact to neighbouring properties but not considered to have a harmful impact on the outlook of the neighbouring amenity.
- 6.16 Use of garage as separate dwelling - This is not a planning consideration, there are no conditions within the 2012 application to stop the application from using the garage as ancillary.
- 6.17 Concerns with retrospective planning applications being allowed which enable works, which have not complied with previous application to be passed by the planning department - *There is precedence set in law under Section 73A of the Town and Country Planning Act that the Local Planning Authority is required, legally, to approach a retrospective application seeking to legitimise a development that has already taken place in exactly the same way as a 'normal' application for proposed development. So,*

*for example, the national and development plan policies current at the time of the application should be applied, rather than those in place when the development was carried out. The fact that a development has been carried out is not in itself a material consideration.*

## 7. Planning Balance and Conclusion

- 7.1 The impact of the proposed extension on the character and appearance of the area has been carefully assessed. It is considered that due to its size, scale, layout, siting, form and appearance, the proposed development will not have a detrimental impact on the character and appearance of the area.
- 7.2 Whilst it is acknowledged there may be some limited impact on surrounding properties in terms of limited views from the neighbouring properties and limited overshadowing, these are unlikely to be harmful and it is not considered that the development has a sufficiently detrimental impact on the amenities of the occupiers to warrant refusal.
- 7.3 It is not considered that there will be any detrimental impact upon highways and parking.
- 7.4 Other concerns raised in the public representations have been reviewed and considered not to be planning consideration rather would be subject to Building Regulations and/or the Party Wall Act.
- 7.5 Overall, it is considered that the proposed development would be in accordance with the development plan, and the policies within the NNPF and other local planning documents. Having taken account of all the relevant policy considerations and the other material considerations referred to above and having regard to the reasons to support the proposal, the proposed development is recommended for approval subject to the conditions listed below.

## 8. Full Recommendation

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

### **Conditions**

1.	<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>22101.100A (Location and Block Plan), 22101.101B (Floor and Roof Plans and Section) and 22101.102B (Elevations) received on 2 February 2023.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p><b>Materials</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the plan and the application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p>

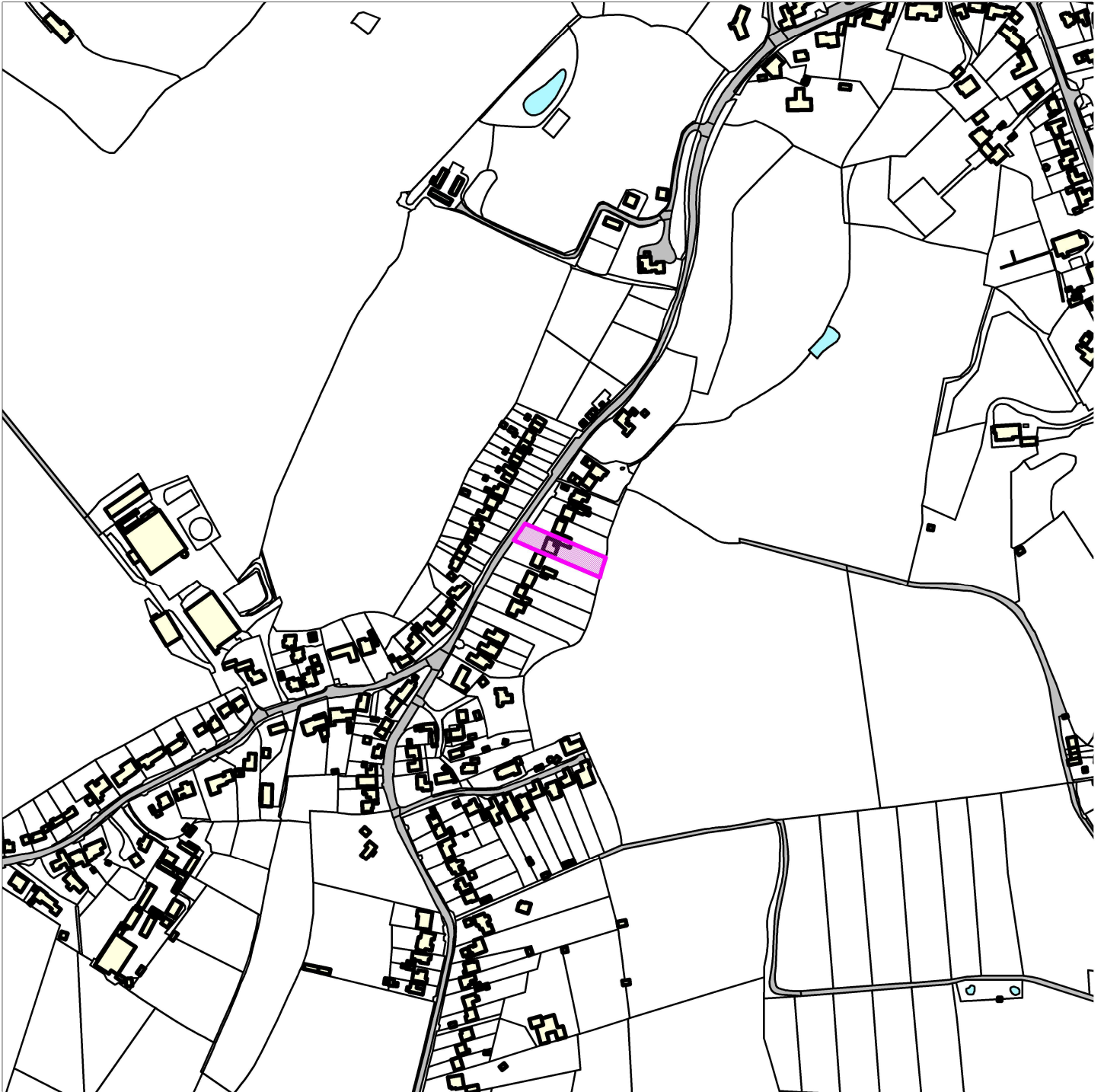
	Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).
3	<p><b>Annex use</b></p> <p>The garage hereby permitted shall not be occupied at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as Juniper Rise.</p> <p>Reason: The creation of a separate planning unit would conflict with the strategy for the location of new development and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP3 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.</p>

### **Informatives**

1.	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>CIL</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3.	<p>Consent to enter adjoining land</p> <p>You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.</p>

23/00246/HOUSE Juniper Rise, Ashmore Green, Thatcham

RG18 9FY  
Not Set



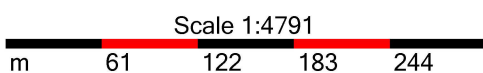
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	06 July 2023
<b>SLA Number</b>	0100024151



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