

Notice of Meeting



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Western Area Planning Committee Wednesday 20th September 2023 at 6.30pm

in the Council Chamber, Council Offices
Market Street, Newbury

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If members of the public wish to attend the 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 19 September 2023 by emailing 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, 12 September 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.

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk



**Agenda - Western Area Planning Committee to be held on Wednesday, 20 September
2023 (continued)**

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.

Agenda - Western Area Planning Committee to be held on Wednesday, 20 September 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

Agenda

Part I	Page No.
1. Apologies for absence To receive apologies for inability to attend the meeting (if any).	-
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 23 August 2023.	7 - 36
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 <i>(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).</i>	-
(1) Application No. and Parish: 23/00642/FUL, Cuckoo Copse, Lambourn Woodlands. Lambourn Parish	37 - 50
Proposal:	Retrospective Two new storage bays utilising existing containers. To be used to house machinery and provide weatherproof cover for existing items within the yard.
Location:	Martin Collins Enterprises Ltd, Cuckoo Copse, Lambourn Woodlands, Hungerford, RG17 7TJ.
Applicant:	Martin Collins Enterprises Ltd
Recommendation:	To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Agenda - Western Area Planning Committee to be held on Wednesday, 20 September 2023 (continued)

- (2) **Application No. and Parish: 23/01686/FUL, Orchard Day Nursery, Everington Bungalow, Everington Hill. Yattendon Parish** 51 - 70

Proposal: Single storey extensions
Location: Orchard Day Nursery, Everington Bungalow, Everington Hill, Yattendon, Thatcham, RG18 0UD.
Applicant: Christian Howell
Recommendation: To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

- (3) **Application No. and Parish: 23/01116/HOUSE, The Old Post House, Newbury Road, Shefford Woodlands, Hungerford. Great Shefford.** 71 - 80

Proposal: Proposed two storey side and rear extensions.
Location: The Old Post House, Newbury Road, Shefford Woodlands, Hungerford, RG17 7AG
Applicant: Ms A McAlpine
Recommendation: To delegate to the Development Control Manager to REFUSE planning permission for the reason given in section 8

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

**Agenda - Western Area Planning Committee to be held on Wednesday, 20 September
2023 (continued)**

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



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DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 AUGUST 2023

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

Also Present: Sharon Armour (Principal Lawyer - Planning & Governance), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Gordon Oliver (Principal Policy Officer), Catherine Ireland (Planning Officer), Cheyanne Kirby (Senior Planning Officer), Bryan Lyttle (Planning & Transport Policy Manager), Jessica Bailiss (Democratic Services Officer), Erica Myers (Environmental Health Officer) and Bob Dray (Acting Development Control Manager)

Apologies for inability to attend the meeting: Councillor Patrick Clark

PART I

1. Minutes

The Minutes of the meeting held on 19th July 2023 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendment:

- 20/02079/COMIND - Inglewood House – Councillor Tony Vickers, Ward Member Representation: Page 10, first bullet point, second sentence should read as follows: ‘However, he had met the leaders of the Owners Association and informed them he would speak in support of their views against the application’.

2. Declarations of Interest

Councillor Dennis Benneyworth declared an interest in Agenda Item 4(1) as it was within his ward. He had attended the planning meeting of Hungerford Town Council when the application was discussed. Councillor Benneyworth reported that he would consider the information afresh and had not predetermined the item.

Councillor Carolyne Culver declared an interest in Agenda Items 4(2) and 4(4) as both were within her ward. Councillor Culver also declared that in her capacity as Chairman of the Scrutiny Commission she had been contacted regarding Agenda Item 4(3). Councillor Culver reported that she had no pecuniary interest in any of the applications and would form her decision on the evidence provided and subsequent debate, and reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillor Howard Woollaston declared an interest in Agenda Item 4(3) as it was within his ward. He had been lobbied by residents on the original application for the site and had been opposed to it. Councillor Woollaston reported that because the application before the Committee concerned conditions there was not a conflict of interest.

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Councillor Adrian Abbs declared that he had been lobbied on Agenda Items 4(3) and 4(4) by various members of the public.

During the course of the debate, Councillor Phil Barnett declared a personal interest in Agenda Item 4(2) by virtue of the fact that he had previously worked for Aurora.

During the course of the debate, Councillor Clive Hooker declared an interest in Agenda 4(3) as he had formed part of the Committee that had considered the initial application for the site in 2019, which he had been lobbied on at the time. He confirmed that he had not been lobbied on the current reserved matters application. Sharon Armour considered the reserved matters application to be a separate application that needed to be considered on its own merits.

During the course of the Councillor Heather Codling declared an interest in Agenda Item 4(4) as she was the Portfolio Holder for Education and was aware of the application.

3. Schedule of Planning Applications

(1) Application No. and Parish: 23/01650/FUL - Norgate House, Tealgate, Hungerford

(Item starts at [8 minutes and 50 seconds](#) into the recording)

1. The Committee considered a report (Agenda Item 4(2)) concerning planning application 23/01650/FUL in respect of the change of use of office building (Class E) to education use (Class F1(a)), minor external alterations and associated works to curtilage, including provision of outdoor amenity space and erection of fencing.
2. Ms Cheyanne Kirby 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 Development Control Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Mr James Cole, Town Council representative (Hungerford), Mr James Iles, Agent, and Councillor Tony Vickers, Ward Member addressed the Committee on this application.

Town Council Representation

4. Mr Cole in addressing the Committee raised the following points:
 - The Town Council had no warning about the application and the fast-tracking of the application raised policy issues.
 - Members of the Town Council had met with the promoters of the application and were happy with what they heard.
 - This would not be a standard school and pupils would mostly arrive by minibus or car. However, roads were capable of handling the additional traffic. A swept path analysis had been completed and it was understood that start and finish times would be staggered.
 - The proposed fencing was considered acceptable.
 - Some planting was proposed, which would improve the appearance of the site.

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- Even if this turned out to be a short-term solution, it was considered to be a good use of an empty building and it would be good to have such a school in Hungerford.
- The Town Council would be happy for the Committee to approve the application.

Member Questions to the Parish/Town Council

5. Members did not have any questions of clarification.

Agent Representation

6. Mr Iles in addressing the Committee raised the following points:

- Mr Iles had been pleased to work closely with Planning Officers and he was grateful for their assistance in bringing the application to Committee in such a timely manner.
- The proposal was for a much-needed special needs school, located in a fully-refurbished office block.
- There was an acute need for a special needs school in the district and the proposal would provide 30 places serving a catchment of around 30 minutes travel time, meeting the demands of West Berkshire and the immediate neighbouring area.
- Teaching would be on a one-to-one basis in small groups.
- The applicant had worked hard to find a suitable location and the aim was to open the school in September to meet demand and support local authority placements as soon as possible.
- Various modest modifications were proposed, including a new security fence, provision of outdoor play areas, a new doorway to access the play space, roof lights, and new native hedge planting.
- There would be space within the parking area to allow minibuses to turn round and cycle parking would be provided as requested by Highways.
- There had been no objections and positive responses had been received from Hungerford Town Council.
- Where additional information had been requested, this had been provided. Additional facilities and play space would be accessed via the nearby Herongate Club. Fencing would be designed to minimise impacts on tree roots. Water butts would be provided to help with rainwater recycling and drainage. Electric vehicle charging points would be provided.
- The proposal would deliver economic benefits through the creation of teaching, administrative and support jobs, as well as supporting local grounds maintenance companies, uniform providers, food and drink suppliers, facilities and partnership working with Herongate Club and other local organisations.
- It was proposed to open the school in September, creating a great school for local children, with dedicated special needs teaching that was desperately needed.
- The headteacher and management team would work with other schools to improve standards and outcomes for children and create more opportunities for staff, local authorities and other stakeholders.
- It was hoped that the Committee would support the officers' recommendation for approval.

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Member Questions to the Agent

7. Members asked questions of the Agent representative and were given the following responses:

- Concerns about pupil safety around the fire escape would be picked up as part of Building Regulations approvals and Ofsted inspections.

Ward Member Representation

8. Councillor Vickers in addressing the Committee raised the following points:

- The local ward members had queried the provision of a school within an employment area and were going to call it in due to the lack of detail on the application, but officers had called it in on public interest grounds.
- Fast-tracking of applications was considered justified where there was a wider interest for the Council.
- While technically not an employment use class, it would provide significant employment due to the one-to-one teaching ratio, and each application should be considered on its merits.
- Local ward members were happy to support the application.

Member Questions to the Ward Member

9. Members did not have any questions of clarification.

Member Questions to Officers

10. Members asked questions of the Officers and were given the following responses:

- Officers were unable to require solar panels, since BREEAM only applied to new development.
- Highways had recommended conditional approval subject to parking being provided in accordance with the plans, provision of electric vehicle charging (which had been accepted by the applicant) and motorcycle / cycle parking spaces.
- The planning permission would be for longer than two years, but the certificate of lawfulness was for two academic years, which was in accordance with the General Permitted Development Order (GDPO).
- Officers could not confirm how long the unit had been vacant. It had previously been used by David Wilson Homes.
- Officers explained that the school was keen to open in September 2023. They had previously explored their permitted development rights, but without Secretary of State approval, a planning application had to be submitted. This needed to be progressed at pace, since a delay to the next meeting of the Committee would have meant the school would have been unable to open in September.
- It was confirmed that a swept path analysis had been completed for the minibus turning area, and two parking areas would be set aside to allow minibuses to turn. Condition 3 stipulated that the development shall not be brought into use until the works were completed.
- Officers stressed that there were no concerns about the school opening in September, since most of the works were relatively minor. Also, the exact opening date had not been confirmed. Officers were only concerned with the planning permission and compliance with conditions. Trigger points were clear, and it was

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up to the applicant to comply. Enforcement could be undertaken if necessary. There was no requirement for the applicant to provide any further information before proceeding.

Debate

11. Councillor Vickers opened the debate. He emphasised that the key issue was the change of use. However, it was not the first time that there had been an application for education use in a business park. The National Planning Policy Framework (NPPF) stated that it was right for local authorities to work pro-actively to support sustainable development where there was a public interest. Many of the proposed measures could be carried out under permitted development. Work undertaken to date had been at the applicant's own risk. He felt that the Committee should support the proposal. His only concern was whether a barrier should be erected until the hedging matured to prevent views into the site. He felt that the application needed to be fast-tracked, but if the school was unable to open at the start of term, that was not a planning matter.
12. Councillor Antony Amirtharaj supported the application and stressed that it would take pressure off other schools in the area.
13. Councillor Dennis Benneyworth noted that when the application had first been proposed, it had lacked detail, but as details emerged, it found favour with the Town Council. While the loss of industrial use was regrettable, he was supportive of the scheme.
14. Councillor Benneyworth proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Heather Codling.
15. Councillor Carolyne Culver asked if a condition was needed to provide temporary screening to prevent views into the site while the hedging matured. This was agreed by the Members who had proposed and seconded the motion.
16. The Chairman invited Members of the Committee to vote on the proposal by Councillor Benneyworth, seconded by Councillor Codling, to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to grant planning permission subject to the conditions set out in the report and update report and the additional condition as set out below:

Conditions

Conditions as per those set out in the report and update report, but with the additional condition as set out below (precise wording to be determined by officers):

5.	Boundary Treatments Within four months of the date of this decision, details of the boundary treatments shall be submitted and approved in writing by the Local Planning Authority and thereafter provided within [timescale to be agreed with the applicant].
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(2) **Application No. and Parish: Institute For Animal Health - Institute For Animal Health, High Street, Compton, RG20 7NN**

(Item starts at [42 minutes and 24 seconds](#) into the recording)

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1. The Committee considered a report (Agenda Item 4(2)) concerning various applications for the Institute for Animal Health in respect of discharge of Conditions 16, 17, 18 Part A, 18 Parts B-D, 19, 20 and 21 of planning permission 20/01336/OUTMAJ.
2. Ms Cheyanne Kirby 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 Development Control Manager be authorised to approve the information submitted pursuant to each of the conditions identified above in accordance with the schedules set out in the report and update report.
3. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. In relation to the Construction Management Plan, Mr Goddard noted that the site was so extensive that it had its own internal haul routes. All large vehicles would enter and leave the site via the main access to the High Street. It was recognised that the haul route to the A34 was not ideal, but was the best that could be achieved. Construction workers would access the car park from Churn Road and no problems were envisaged. Officers recommended the Construction Method Statement (CMS) for approval.
4. The Chairman asked Ms Erica Myers if she had any observations. Ms Myers indicated that she was happy with the site investigation reports submitted as part of the original planning application, and the additional reports and Remediation Strategy submitted under Condition 18. Site-wide contamination had not been identified, only isolated pockets. The remediation consultant was aware of the issues affecting the site and the Remediation Strategy contained detailed proposals for how contamination would be remediated and validated. Areas of the site had yet to be investigated due to the presence of buildings on the site, so some demolition needed to be allowed in order to provide access for the additional investigations to be carried out and the remediation proposals to be finalised. Once remediation was complete, a validation report would be submitted prior to occupation.
5. In accordance with the Council's Constitution, Ms Judith Cunningham, Parish Council representative, Mr Jon Turner, Agent, and Councillor Carolyne Culver, Ward Member, addressed the Committee on this application.

Parish Council Representation

6. Ms Cunningham in addressing the Committee raised the following points:
 - The Parish Council was disappointed at the deferral from the last meeting, but were grateful that the Committee was taking the time to review the application.
 - The Parish Council had requested that the application be referred to the Committee due to the lack of documentation available on the website within the consultation period.
 - The scheme represented a significant build for a rural community and included extensive demolition and decontamination.
 - A planning solicitor had been engaged to assist with due diligence on every application related to this site. This would ensure full transparency and the best outcome for the community.
 - Since the Parish Council had raised concerns about the lack of documentation, some had become available. However, the Planning Officer had not responded to

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questions and concerns raised as part of the consultation, nor did they respond to the Parish Council when missing documentation was made viewable.

- The Committee had deferred two of the items as the Council's Ecology Officer had not been able to make comment. Comments were posted to the Planning Portal on 27 July 2023.
- While the Construction Environment Management Plan (CEMP) must be adhered to, adjustments could be made on receipt of written confirmation from the Planning Department. The Parish Council asked to be consulted if any such adjustments were proposed.
- Given the significance of the site, the Parish Council requested that in future, greater emphasis be applied to ensuring that planning consultation was completed to the highest degree, with full and timely transparency of all relevant documents.

Member Questions to the Parish Council

7. Members asked questions of the Parish Council representative and were given the following responses:

- It was confirmed that the Parish Council had not received a response to its letter of 18 April 2023.

Agent Representation

8. Mr Turner in addressing the Committee raised the following points:

- Mr Turner was standing in for colleagues who were on holiday, but was part of the same team.
- Homes England had been working closely with officers and the Parish Council to ensure that any concerns arising from the request to discharge conditions had been explained and improvements to communications had been incorporated into everyday practice.
- Homes England was committed to forging a strong link with the Parish Council and would ensure that any key messages, dates and milestones were communicated to local residents.
- Regular updates would be provided via the parish newsletter and their contractor Cognition would be happy to discuss any concerns arising throughout the duration of the works.
- The conditions for this application only related to those necessary to allow a contractor to start demolition and remediation of the site. A further application would seek to discharge additional planning conditions related to reserve matters once the next stage of development was reached. Details would be provided to officers and the Parish Council.
- Homes England had worked with officers responsible for the technical checking of the planning conditions. They had confirmed that they had all the information required in order to recommend discharge of these conditions.
- Homes England had worked with their contractor and a range of expert consultants and regulatory agencies to ensure that the information submitted was thorough and correct and met officers' requirements.
- Due to the nature of the site, there were further specialist agencies and permits in place that required an additional level of scrutiny to ensure that the site was being safely remediated. Additional consultants had been employed to monitor

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compliance and gather evidence to certify that all procedures were being correctly followed.

- Homes England was committed to working with officers and the Parish Council to do the best job possible and prepare the site for redevelopment.

Member Questions to the Agent

9. Members asked questions of the agent representative and were given the following responses:

- Homes England would engage with residents via the parish newsletter and contact details for the key personnel would be issued. A suitable social media strategy would be agreed with the Parish Council.
- The contractor had mobilised on site and was ready to start work, and bat hotels had been constructed, but further work was subject to discharge of conditions.
- It was confirmed that contractors would be briefed about the challenges with the haul route and the need to take particular care at key points.
- It was confirmed that Homes England had previously used the contractor engaged to remediate the Compton site at other sites in Plymouth and Hertfordshire.

Ward Member Representation

10. Councillor Culver in addressing the Committee raised the following points:

- The Parish Council had asked for the application to be called in for a number of reasons, including the absence of documents ahead of the comments deadline. For future applications, the Council should ensure that documents had actually gone live on the planning portal after they have been put into the system.
- Regarding Condition 18, the Homes England cover letter of 27 March 2023 had said: 'Since the proposal is to remove contaminants from the site, a large amount of maintenance and monitoring is not considered necessary.' The covering letter was available on the Planning Portal ahead of the deadline, but the accompanying document was not, so this had set hares running.
- The remediation scheme and remediation strategy on the planning portal detailed contaminants on the site, and residents who used to work on the site and still lived in the village were very aware of what was there. The remediation scheme said: 'it is considered that the potential adverse public perception from radiological and biological hazards... will outweigh any benefits from in-situ remediation technologies... It is therefore considered that in-situ treatment of biological and radioactive material are not suitable... and therefore off-site disposal to an appropriate facility is the most appropriate remediation option.' The fact that the justification emphasised 'adverse public perception' was a concern.
- In a letter on 27 April, Compton Parish Council asked for evidence of enforcement plans. The remediation scheme said: 'Not all materials that may require remediation have yet been identified at the site. Further investigation work is required.' This meant that ongoing enforcement would be really important.
- The Remediation Strategy said that material associated with historic nuclear weapons testing was placed into pots. No uranium isotopes were identified in the three pots that had been sampled, but 38 pots had not yet been sampled, so it was possible that uranium isotopes would be found, and decontamination processes and enforcement would be important.

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- Careful monitoring and enforcement should happen on site before material was put in trucks and taken through Compton and East Ilsley and onto the A34.
- Residents had raised concerns about what would happen if there was an emergency on site and material became airborne or leached into the River Pang, just 15m from the site entrance.
- Homes England had met with Compton Parish Council recently and would be meeting East Ilsley Parish Council. This engagement was welcomed. Councillor Culver had put them in touch with the editor of Compilations magazine and stressed the importance of timely and transparent communication with the community. They had also been encouraged to make use of the village's Facebook page, which was also followed by residents of neighbouring villages.
- If demolition vehicles would pass through Hampstead Norreys, Homes England should ensure that they communicated with that community too.
- Condition 20 stipulated working hours, but did not mention school hours. This had been included in the conditions for the approval of the application in 2022, and was considered to be important due to the large number of school buses passing through East Ilsley and should be included in the CEMP.
- The CEMP included grids that detailed how internal monitoring and communication would be done between the client and contractors regarding any pollution incidents, but it did not mention informing the Council and the Environment Agency, or the wider community, so the document should be revisited.
- The CEMP said that 'a Project Community Liaison Plan will be established to provide a framework for managing communications'. Homes England was urged to communicate with the ward member and the parish council going forwards.
- Nobody wanted to leave the site in its current state, but it was important for the job to be done properly. Some local residents had worked on the site or had relatives who had worked there, so they were alert to the potential issue that may arise.

Member Questions to the Ward Member

11. Members asked questions of the Ward Member and were given the following responses:
- One of the reasons for the call-in was that the Parish Council had been concerned at the lack of key documents on the Planning Portal ahead of the consultation deadline. Councillor Culver shared their concerns.
 - People who had previously worked at the site had submitted responses to the initial consultation, and had flagged issues such as the nuclear waste from Bikini Atoll. Councillor Culver hoped that Homes England would be willing to have discussions with these residents.

Member Questions to Officers

12. Members asked questions of the Officers and were given the following responses:
- It was confirmed that the CMS included restrictions on all large vehicles in Compton and East Ilsley at peak times and around school start and finish times.
 - All of the documents relating to this application had been assessed by the case officer and other specialist officers from Ecology, Highways and Environmental Health, and all were deemed to be acceptable. Some of the documents had been

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submitted as part of the original application. In order to save space on the website, some documents had automatically been removed from the Planning Portal, but these could still be accessed by officers, or hardcopies could be viewed at the Council Offices. Officers undertook to check whether documents had been removed from the Planning Portal for future applications.

- In relation to concerns about enforcement of restrictions on the movement of large vehicles, officers acknowledged that they would rely on the local community to report any breaches. Large vehicles would be required to enter and leave the site via the main access and use the dedicated haul route. The CMS included driver induction training and all deliveries would be managed and scheduled.
- It was confirmed that the school hours were mentioned in the Construction Method Statement. Also, a condition relating to the school hours had been imposed as part of the outline permission.
- It was explained that consultation had been in line with requirements of legislation and current policy. There was no statutory requirement for consultation on discharge of conditions. This was a technical exercise and the Local Planning Authority's normal process was to consult with the technical consultees who had recommended the conditions. The current policy was not to have public consultation on discharge of conditions, but this could be reviewed if considered appropriate. It was suggested that this could be discussed at the Planning Advisory Group.
- It was confirmed that the contractors had to conform with relevant legislation and permits. Also, Homes England had a duty to ensure that their contractors were undertaking remediation in a competent manner. The Council's Environmental Health Team had previously worked with the principal contractor, Cognition Land and Water, on remediation of the Stirling Industrial Estate and officers had every confidence in them. It was noted that Aurora Health Physics Services had carried out extensive radiological investigations and had prepared a remediation strategy. The need for further investigations had been identified due to the presence of buildings on the site. The principal contractor and a dedicated radiation protection team would be on site throughout the works. An additional report had been prepared by Public Health England (PHE) on biological agent persistence and they would be happy to visit the site to assist as needed. The Environmental Health Team was happy with all the submitted proposals. Additional remediation proposals would be submitted on the back of further investigations. Validation reports would need to be submitted to confirm that remediation had been effective and the site was suitable for use. (Councillor Phil Barnett declared a personal interest by virtue of the fact that he had previously worked for Aurora.)

Debate

13. Councillor Tony Vickers opened the debate. He stressed the need for documents to be in the public domain for this site, regardless of the statutory requirements, due to the sensitivity of the site and the risk of reputational damage, as well as the expertise present within the community. He was concerned that there was no summary of the reports that the experts had produced previously.
14. Members were reminded that if they felt they did not have sufficient information to determine the application, then they should not vote on the item. This would apply to each of the decisions that the Committee was being asked to make.

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15. Councillor Vickers suggested that for future applications, documents should remain within the public domain, so those residents who had knowledge of the sites could see them.
16. Officers confirmed that once an application had been determined, documents were automatically removed from the website to save server space and prevent the website from crashing. However, the documents were still available for inspection.
17. Councillor Culver noted that the Parish Council would be reassured if they could see the enforcement plans. Also, she suggested that the CEMP should make provision for communicating with West Berkshire Council and the Environment Agency in the event of an incident. She asked that these be included as conditions.
18. Councillor Antony Amirtharaj was concerned that the Parish Council had not received a response to their previous letter and indicated that he was minded to abstain in any vote.
19. Councillor Heather Codling indicated that she had confidence in the officers and was reassured that they had previously worked with the principal contractor on remediation of the Sterling Cables Industrial Estate.
20. Councillor Vickers proposed to accept the Officer's recommendation and approve the information submitted pursuant to conditions 16 and 17 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Dennis Benneyworth.
21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Benneyworth, to approve the information submitted pursuant to Conditions 16 and 17 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Conditions 16 and 17 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

22. Councillor Howard Woollaston proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 18 Part A of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Benneyworth.
23. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Benneyworth, to approve the information submitted pursuant to Condition 18 Part A of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 18 Part A of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

24. Councillor Phil Barnett proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 18 Parts B-D of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Clive Hooker.
25. The Chairman invited Members of the Committee to vote on the proposal by Councillor Barnett, seconded by Councillor Hooker, to approve the information submitted pursuant to Condition 18 Parts B-D of planning permission

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20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 18 Parts B-D of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

26. Councillor Hooker proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 19 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report, but with the condition that the Construction Method Statement be amended to specify the times when large vehicles movements to and from the site would not be permitted. This was seconded by Councillor Codling.

27. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker, seconded by Councillor Codling, to approve the information submitted pursuant to Condition 19 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report, but with the additional condition that the Construction Method Statement be amended to specify the times when large vehicles movements to and from the site would not be permitted. At the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 19 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report, but with amendments to the Construction Method Statement to specify the times when large vehicles movements to and from the site would not be permitted. This was for reasons of road safety.

28. Councillor Codling proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 20 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Woollaston.

29. The Chairman invited Members of the Committee to vote on the proposal by Councillor Codling, seconded by Councillor Woollaston, to approve the information submitted pursuant to Condition 20 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 20 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

30. Councillor Codling proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 21 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Benneyworth.

31. The Chairman invited Members of the Committee to vote on the proposal by Councillor Codling, seconded by Councillor Benneyworth, to approve the information submitted pursuant to Condition 21 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 21 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

(3) Application No. and Parish: 22/00858/COND1- Land South of Tower Works, Lambourn Woodlands, Hungerford

Item starts at 1 hour, 56 minutes and 40 seconds into the recording.

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 22/00858/COND1 in respect of an application for approval of details reserved by condition 9 'zero carbon', 10 'CEMP', 11 'LEMP', 16 'levels' and 18 'travel plan' of approved application 19/02979/OUTMAJ: Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale.
2. Ms Sian Cutts 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 Development Control Manager be authorised to grant approval of the submitted details.
3. The Chairman asked Officers to comment on the matter of the item possibly facing Judicial Review and why the Committee was able to consider the application in light of this. Mr Bob Dray stated that Members would recall the reserved matters approval awarded by the Committee earlier in the year for the site. A claim had been lodged against this application and the Local Authority (LA) was currently awaiting a response as to whether or not the matter would be heard at Judicial Review. The application before the Committee involved conditions on the outline planning permission and not the reserved matters application, which was subject to the claim. There was no injunction on proceeding with development of the site or the applicant progressing their application whilst the matter was considered. If any decision was to be quashed following the court proceedings it would not affect the decision on the current application. There were no legal or planning reasons why the Committee should not proceed with determination of the application.
4. Ms Sharon Armour concurred and explained that there was an application before the LA to discharge conditions on the outline that was not subject to challenge, even if the reserved matters application was to be found to be unsound.
5. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. Mr Goddard reported that Highways Officers had only given consideration to the condition on the Travel Plan and had no comments on any of the other conditions. Highways Officers had objected to the original planning application in 2019 on sustainability grounds, which had subsequently been approved. As part of the approval, a Travel Plan had been requested and the applicant had promised the provision of a minibus to take employees to and from the site, particularly for those living in the Swindon area. The minibus was an integral part of the Travel Plan. Other measures included the encouragement of car sharing and a travel plan coordinator post to monitor implementation of the Travel Plan going forward. The proposed Travel Plan was limited however, there were limitations considering the location of the site. Highways Officers were recommending approval of the proposed Travel Plan.
6. *Councillor Clive Hooker declared an interest as he had formed part of the Committee that had considered the initial application for the site in 2019, which he had been lobbied on at the time. He confirmed that he had not been lobbied on the current reserved matters application. Sharon Armour considered the reserved matters*

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application to be a separate application that needed to be considered on its own merits.

7. In accordance with the Council's Constitution, Ms Bridget Jones and Mr Anthony King, Objectors, Mr James Hicks, Agent, and Councillor Howard Woollaston, Ward Member, addressed the Committee on this application.

Objectors Representation

8. Ms Jones and Mr King in addressing the Committee raised the following points:
 - The Travel Plan did not contain enough details to enable a comprehensive view of the impacts of travel to the site.
 - Recognised best practice for a remote industrial site would be to include all traffic to the site within the Travel Plan and not just the workforce.
 - There was no data available on volume of the workforce, modal split, shift patterns or overlapping shifts. This was essential in this case as planning permission had been approved subject to a condition based on traffic generated by the existing facility nearby. It was queried why the information had not been provided and analysed.
 - The information provided related to the anticipated breakdown of traffic and not numbers.
 - The report was inadequate and was based on inaccurate information. In an attempt to justify the use of bicycles to access the site, the report referred to the regional cycle network next to the site. The plan referred to Ramsbury Road as follows 'the traffic volumes at the point in which the site connects to the cycle routes are low and vehicle speeds had been observed at 46mph'. This statement was incorrect. Much had changed with the rapid development of Membury and the roads were not safe. There was often speeding traffic on Ramsbury Road. The Community Speed Watch Group had recorded speeds of 58mph in a 40mph zone, with 91 cars travelling in one direction within a one hour period.
 - 90 car parking spaces included with the application would not be adequate, given that the staffing figures had risen from 40 to 200. The Case Officer was negligent in not asking for increased traffic figures. The response given to a public enquiry was that the applicant did not supply this information. This was an indefensible response.
 - It was expected that the site would generate five times the anticipated traffic. There was no overflow parking proposed for weekends and bank holidays when visitor numbers might increase.
 - The aim of reserved matters was to debate the detail. Detail was lacking throughout the Travel Plan and it did not include traffic travelling to the museum or the aircraft that would be located there. There was concern this detail had been intentionally left out.
 - The Case Officer had suggested that transport to the site should not be discussed at the current meeting however, given that a personal condition was granted allowing traffic figures to be significantly suppressed, it needed to be considered.
 - TRICS data would normally be used and if TRICS had been applied it would show an increase of 550 vehicles per day on roads not designed to carry large numbers of HGVs.

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- The tactical avoidance of using TRICS data had misled the Committee regarding the actual environmental and sustainability impact the development would have on the surrounding area and rural road network.
- It was queried what the point was of managing the environmental impact of workforce travel when there was deliberate avoidance to assess the numbers generated by the biggest polluters. The shuttle bus was deemed unsustainable by Mr Goddard and was also not enforceable. The Travel Plan submitted had a clause that stated if changes were made to the plan the applicant would inform the LA however, by then it would be too late as the development would be operational.
- The roads were unsafe for pedestrians and cyclists. There had been a marked increase in accidents on the B4000/Ermin Street and the three junctions leading to and from the site. There had been three accidents in the last week.
- There was a lack of road markings and road signage for cyclists and pedestrians, along with safe access and crossing points. There were no control measures in place to mitigate foreseeable risks.
- Regarding BREEAM, NVC Version 6 should be used. The Principal Environment Officer had asked why the submission was based on the old 2013 version and queried if this had been updated. Officers were asked if this update had taken place.
- Regarding LEMP, it was queried if the landscaping and ecological management plan was fit for purpose.
- Until all questions were answered adequately and errors rectified, the condition in relation to the Travel Plan should not be supported.

Member Questions to the Objectors

9. Members asked questions of the Objectors and were given the following responses:
- Assurance regarding the LEMP was still sought.
 - Regarding the three accidents that had taken place over the last week. One had involved two cars on the Membury junction. The second accident had taken place near to a private residence that was once the Hare and Hounds Public House. This had involved a junction off Ermin Street down into Lambourn. The third accident had taken place at the junction to Chilton Foliat. All were serious accidents and it was feared that there would be a fatality imminently.
 - Only cars had been involved in the accidents referred to.
 - In regard to concerns about the Travel Plan, residents' expected to see some numbers including staffing figures. Staffing had increased from 40 to 200 so there must be a business plan or staff rota system that would indicate travel numbers. No evidence had been requested and no information had been given on this. It would be difficult to make an informed decision about the traffic and the transport without this information.
 - The issue was that a Travel Plan based on the workforce would normally be determined after an application had been granted permission and was in operation. In the case of the current application, it was based on a personal condition, which meant all of the traffic generation was based on existing facilities. There was no reason why the existing facility could not be interpolated to provide specifics.

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- Regarding the statement in the report referencing the cycle route, this was incorrect and should be removed.
- The applicant had stated that instead of 40 jobs there would be 200 and there was no breakdown provided in terms of shifts. 20 of the 90 spaces would be electric charging points and there were also disabled spaces. Given there would be 200 staff with no information on shift overlap, the proposed parking could easily be inadequate. There was also no data provided for the museum.
- Ms Jones had not carried out any calculations personally for the museum. In her view this was for the applicant to provide.

Applicant/Agent Representation

10. Mr Hicks in addressing the Committee raised the following points:

- He was the chartered town planner and agent for the application.
- The Officer's report clearly set out the background to the consented development for the site through the form of the outline and reserved matters. Officers had reported on the Judicial Review matter that was currently pending.
- The report also set out that the current application was considering the detail requested by Officers relating to the conditions attached to the outline planning permission.
- It was well established in planning law that in discharging condition there was no opportunity to revisit or further curtail granted planning permission. No further conditions could be imposed.
- The application sought to discharge five conditions, which were pre-commencement conditions relating to the outline permission. These conditions were generally technical in nature. The submitted details had been scrutinised by Officers and consultees where necessary. The Officer's report set out clearly that the submitted details met the requirements of the conditions.
- The Committee were urged to consider the Officer's recommendations and approve discharge of the conditions without any further delay.

Member Questions to the Applicant/Agent

11. Members did not have any questions of clarification.

Ward Member Representation

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

- He had opposed the application in 2019 because he had believed the location to be inappropriate. It had been heavily opposed by residents in his ward due to the significant traffic issues it would create and because it was in the Area of Outstanding Natural Beauty (AONB). Councillor Woollaston had arranged for a substitute at the 2019 Committee because he was pre-determined and the application had been approved.
- He wished to focus on part of the application including the plans. The consent was for a museum, which was part of the original consent and not a hanger as was described on the plan. Membury airfield was used for light aircraft and not twin engine World War Two cargo aircraft. Clearly the aircraft would need to be flown in, with occasional aircraft movement for essential maintenance. Councillor

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Woollaston requested a condition be added on this if approved, because his residents did not want noisy 80 year old aircraft flying over their homes.

Member Questions to the Ward Member

- Members did not have any questions of clarification.

Member Questions to Officers

13. Members asked questions of the Officers and were given the following responses:

- Parking levels had been reviewed in February 2023 when the reserved matters planning application had been considered. 90 parking spaces were proposed for the building and further parking was proposed for the museum. Considering there were three shifts for 200 staff, it had been recommended at the time that the level of parking proposed was adequate.
- All traffic and sustainability matters were considered as part of the outline planning application in 2019. This had included consideration of traffic levels on the B4000 and accident data.
- The accident data had been reviewed for the reserved matters application and it had been found, over ten years, that there had been no change in the number of accidents that had taken place in the area. There was no knowledge of the recent three accidents however, it normally took some months before Thames Valley Police uploaded details onto the system. Data was currently only available up to the end of 2022.
- Only the conditions set out in the report were for consideration, which included the Travel Plan. Members needed to consider if the Travel Plan was acceptable for approval. The Highway Officer's view was that it was acceptable and was the best that could be provided considering the location of the site.
- The museum was not included in the Travel Plan. It would be difficult to include because, unlike employees, there would not be the same people regularly visiting the museum.
- Issues around accessibility to the site were the points and concerns Highways Officers had raised when the original planning application had been considered in 2019. Highways Officers had objected to the original planning application because the site was unsustainable however, the application had been approved. The Committee at the time had needed to weigh up a number of issues including economic issues.
- Regarding whether the Travel Plan was still fit for purpose, it was considered highly unlikely that people would cycle to the site. There were cycle racks provided in case anyone did wish to cycle to the site.
- There was uncertainty as to whether staffing numbers had changed. The reason why personal consent had been granted in 2020 was because the level of traffic for Walkers Logistics was lower than a normal warehouse distribution use. To ensure an alternative tenant with a normal higher traffic generation did not take over the site, it was restricted to Walkers Logistics accordingly. The Travel Plan aimed for a five percent modal shift.
- It was explained how the 105 percent reduction in savings in carbon dioxide emissions was calculated. Normally the baseline was taken for a building based on building regulations. This was entered into a computer model and measures were applied. At least a 100 percent reduction was sought. In the case of the

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current application, an even more onerous position was taken because policy required the baseline to be purely based on renewables. The figure had been assessed by the Environment Delivery Team and they were satisfied with the score.

- Regarding the shuttle bus service, this had been promised by the applicant for employees as part of the Travel Plan. The Planning Policy Team would monitor this service accordingly to help ensure its retention going forward. There was uncertainty as to whether the service would be charged or free.
- There were conditions on the outline planning permission regarding public access to the museum. It was limited to 28 days per year for public access.
- Regarding whether there were conditions on restricted hours that did not allow for three shifts, it was confirmed that there were conditions restricting hours of external operation including traffic movements.
- Regarding whether the Travel Plan would be viable without the minibus, it was confirmed that if the minibus was not proposed there would be no purpose in having a Travel Plan. Members were being asked to determine the viability of a Travel Plan for a minibus and it had to be assumed that the minibus would be viable.
- Regarding the possibility of further electric charging points on the site, this was a condition that had been applied at the reserved matters stage for the site.

Debate

14. The Chairman opened the debate by expressing that he had become increasingly uneasy about the travel arrangements associated with the development. He did not feel the Committee could safely approve the application given the Travel Plan provided. The Chairman was not convinced that what had been provided was sustainable or workable for the location. If longevity of the minibus service could be conditioned he might have felt differently.
15. The Chairman stated that he did not understand how a Travel Plan could be put in place that completely ignored 28 days per years for museum use. He was concerned that no data had been provided.
16. Councillor Phil Barnett shared the concerns raised by the Chairman. Councillor Barnett stated that he had voted on balance in favour of the original application in 2019 however, felt uneasy about the current application and would likely be voting against it.
17. Councillor Antony Amirtharaj stated that the Chairman had summarised his own concerns regarding the Travel Plan. Regarding the zero carbon condition, the detail on this set out that it was for the building and not transport movements however, it was known that traffic movements would involve that of an 80 year old aircraft and associated noise. Councillor Amirtharaj felt the site needed to be considered as a whole and was not convinced based on this that the site would achieve zero carbon.
18. Councillor Clive Hooker reported that he did not have any contention with the other conditions however, echoed concerns raised about the Travel Plan. He was concerned about the perceived traffic volume with the increased number of staff and was concerned about traffic speeds and accidents as referred to by residents. Councillor Hooker reported he was concerned about the viability of the travel bus provision over time. Councillor Hooker queried if the site was noted in the new Local Plan for further industrial use going forward and Mr Dray confirmed it was a proposed

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allocation. Councillor Hooker felt that if it was to be considered important it was noted that access issues would remain the same.

19. In reference to Councillor Hooker's point about the site being allocated in the Local Plan, the Chairman stated that the point of the site eventually becoming a piece of allocation land had been raised when the application for the site had first come forward. It was noted however, that in 2023 the site had still not been allocated and was in process.
20. Councillor Tony Vickers stated he had always been opposed to the site being an employment site. It was believed that people accessed the site from the motorway network and although this was beyond planning law, if this was the case he hoped they could allow what was happening to continue as it might alleviate the local traffic network, which was a concern that had been raised by residents. Councillor Vickers queried if it was possible as part of the Travel Plan to require an incentive for those using the minibus service.
21. The Chairman reported that it would be possible for the Committee to make a split decision on the application. Mr Dray reported that each condition needed to be considered individually. He had heard concerns raised by Members regarding the Travel Plan however, the other conditions needed to be assessed on their own merits. If Members were to refuse any part of the application, reasons would need to be given. It would be considered an unsound decision if the whole application was refused based on one element.
22. Councillor Hooker reiterated his concerns about the bus service. He was concerned about the size or number of buses required given the number of employees.
23. Councillor Vickers stated that he never envisaged that every employee would use the bus to get to the site however, if it was to have any impact on the numbers of private journeys then it would need to be shown as achievable.
24. Councillor Tony Vickers proposed that it was approved that all conditions were discharged apart from the Travel Plan. He felt that the Travel Plan should be refused on the grounds that it was not workable.
25. Mr Goddard provided some guidance regarding how the Travel Plan could be improved. He felt the potential for its improvement was limited because of the location of the site. There was a shuttle bus proposed and he was uncertain of its size however, this detail could be requested and included. Mr Goddard sought guidance from Planning Officers on how the bus service could be retained going forward.
26. In response, Mr Dray stated that there could only be a proposal put forward if the Travel Plan became unviable. If such a submission was made to the Planning Department this would need to be considered on its merits at the time. Mr Dray acknowledged the locational restraints of the development and that the Travel Plan sought to make it as sustainable as possible with the inclusion of a minibus and cycle storage.
27. The Chairman was of the view that the Travel Plan would only become viable if data was provided associated with traffic movements. Longevity of the bus service would need to be assured. It was felt that the Committee needed to be clear that the plan was only going forward if the applicant could provide evidence that a sustainable system would be put in place.
28. Councillor Hooker stated that it was likely that people would choose to use their personal cars rather than the minibus due to the journey times.

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29. Mr Dray clarified that there was a proposal by Councillor Vickers to approve all of the conditions apart from the Travel Plan condition. Refusal of the Travel Plan condition was on the basis of enforceability and insufficient detail and data to show how the minibus service would make a difference. Councillor Vickers did not wish to include that the Travel Plan did not account for the museum traffic.
30. Councillor Dennis Benneyworth asked for clarification that one vote was being proposed. Mr Dray reported that it was common practices, where there were numerous conditions, to have a split decision and the decision notice would set out specifically which parts had been approved and refused.
31. The Chairman sought a seconder for the proposal by Councillor Vickers and it was seconded by Councillor Woollaston.
32. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Woollaston, to approve the discharge of all conditions apart from the one condition on the Travel Plan. At the vote the motion was not carried.
33. The Chairman proposed that the conditions be approved apart from the Traffic Plan and net zero conditions. The Chairman did not feel there was enough data presented within the report to show the site would achieve net zero particularly during the construction phase. The proposal was seconded by Councillor Amirtharaj.
34. Mr Dray reported that the Energy Delivery Team had verified the Energy Statement which included the standard calculations used and concluded that it achieved zero carbon. The Chairman asked for one of the slides to be shown that referred to the construction methodology. There was uncertainty as to whether the net zero condition included the construction phase and based on this, any decision approving condition 16 would be unsound. Mr Dray asked for clarification that refusal of the net zero condition was specifically on detail relating to the construction rather than calculations related to the ongoing operation of the site and the Chairman confirmed this was correct.
35. Ms Armour asked for clarification that the reasons to refuse the Travel Plan condition were the same as what had been initially proposed by Councillor Vickers. The Chairman confirmed that this was correct. The Chairman confirmed that his proposal included approval of the conditions relating to the Levels, Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP).
36. The Chairman invited the Committee to vote on his proposal, seconded by Councillor Amirtharaj, and at the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to grant planning approval of the submitted details for Conditions 10 (CEMP), Condition 11 (LEMP) and Condition 16 (Levels) as set out in the report.

RESOLVED that the Development Control Manager be authorised to refuse planning approval of the submitted details for Conditions 9 (Zero Carbon) and Condition 18 (Travel Plan) for the following reasons:

- Travel Plan: The Travel Plan has provided insufficient supporting information and data to justify the proposals, in particular to demonstrate that the proposed minibus was viable. It also fails to provide measures to ensure the enforceability of the travel plan, and also fails to provide adequate incentives for the uptake of the travel plan measures by staff employed at the building

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- Net Zero: Insufficient information has been included within the Energy Statement to demonstrate that the proposed measures will comply with the terms of the condition, specifically in terms of how the zero carbon requirement will be met including construction.

Continuation of meeting

37. In accordance with the Council's Constitution, Part 3, paragraph 10.8, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(4).

(4) Application No. and Parish: 21/02865/REG3 - The Downs School, Compton, Newbury

Item starts 3 hours, 6 minutes and 9 seconds into the recording.

1. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 21/02865/REG3 in respect of the extension and refurbishment of the existing school sports hall. Temporary overflow car parking space to be resurfaced and reused for the duration of the construction process. External plant compound.
2. Ms Catherine Ireland 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 Development Control Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. Mr Bob Dray wished to clarify two points that had arisen since the publication of the report and revise the recommendation verbally. Further comments from the Drainage Engineer were included with the update sheet regarding the flood risk assessment and drainage strategy. The Drainage Engineer still had concerns however, was working with the applicant in relation to surface and ground water issues. It was recommended in the update report that if Members were otherwise content with the proposed application, then they could approve it and delegate drainage matters to Officers to resolve prior to the decision being issued.
4. Mr Dray reported that a further response had been received regarding the BREAAAM matter detailed in the report. In the report, BREAAAM excellent was recommended and there had been ongoing debate as to whether this was achievable. Further information had been received and Mr Dray would scrutinise this with the Environmental Delivery Team. If it was deemed not appropriate to apply BREAAAM then an alternative condition would be applied setting out what environmental measures would be provided.
5. Mr Dray stated that neither of the matters related to why the application had been called in and if Members were minded to otherwise approve the scheme, then the two technical points could be delegated to Officers to resolve. This was Officers' revised recommendation.
6. In accordance with the Council's Constitution, Mr Fred Quartermain, Parish Council representative, Mr Greg Bowman (West Berkshire Council) Applicant, Mr Thomas Maxwell, Agent, and Councillor Carolyne Culver, Ward Member, addressed the Committee on this application.

Parish Council Representation

7. Mr Quartermain in addressing the Committee raised the following points:

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- It was not in dispute that the current facility was ageing and did not meet requirements. The principle of the redevelopment of the site was not a contentious issue for the Parish Council.
- The Parish Council was concerned that the aspect of the redevelopment proposed was flawed in a number of ways. One of these areas was the use of the site.
- The sports facility on the site had been in place for a number of years. It was Council owned however, was not just a school sports hall and since it had opened had been a community facility outside of school hours including evenings, weekends and school holidays. It was currently open to the public Monday to Thursday, 6pm until 10pm. It was available for private hire on Fridays and at weekends. The local archery club used the hall most Friday evenings and every other Saturday morning. Summer holiday clubs were also run at the facility.
- The Council had produced its own report regarding use of the facility, which clearly recognised the facility for community use and as a community asset. There had been 8088 public attendances at the facility over the last year consisting predominately of local clubs but also individual members of the public. The data demonstrated a small but thriving community facility. In despite of this, the Case Officer's report stated that public use of the facility was a civil matter outside of planning consideration. It was felt that this was incorrect. Adopted planning policy required the loss of the facility for use by the public to be considered as part of the Committee's decision on the application. This was clearly set out in Compton's Neighbourhood Development Plan, which was referenced in the Officer's report and was a thread that ran through all levels of the Local Authority's (LA) planning policy.
- Ensuring ongoing community use was an important policy consideration and the LA should be ensuring that the ongoing community use was secured as part of the process whether through a condition or planning obligation. It was an approach the LA had used elsewhere when securing community access to developments.
- Failure to recognise the need for ongoing community use would amount to a failure to comply with the Public Service Equality Duty. It could negatively impact upon those with protected characteristics. The dismissive approach taken in the Officer's report was directly at odds with the LA's duty.
- Regarding noise, the Parish Council and residents were concerned about the impact of the new external plant area and conditions needed to be put in place to ensure there was no harm caused to amenity.
- In terms of design, the Parish Council felt that the design of the building did not respect the site's location in the Area of Outstanding Natural Beauty (AONB). Large amounts of glazing and a modern design was proposed, which the Parish Council felt would be harmful. Conditions were proposed to deal with external light however, no consideration had been given to the amount of light pollution that would spill from internal lighting during evening and weekend usage due to the glazing. The glazing had also led to privacy and safeguarding concerns. Obscured glazing had been suggested however, this had not been secured at the current stage.
- Finally, the Parish Council felt the application was a missed opportunity to address ongoing issues around parking for the school, which already caused a significant and detrimental impact on local amenity. The application, if approved, would drive parking away from the school site and onto surrounding roads certainly during the

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construction phase. Given the design and parking issues raised, the Parish Council felt the application should be refused and refined to deliver better outcomes. If approved, further conditions must be imposed regarding noise and light pollution, and the protection of community use must be ensured.

Member Questions to the Parish Council

8. Members asked questions of the Parish Council representative and were given the following responses:
- Mr Quartermain did not feel it was for him to advise whether the issue of community use should be covered as a Section 106 obligation rather than a condition. It was felt however, that a planning obligation would be appropriate.
 - Mr Quartermain was not aware of the contractual arrangements and whether the school benefitted from community use of the facility. The report produced by the Planning Officer suggested it was outsourced to an external supplier and that any benefit was not secured wholly by the school. The fact was that there was an existing thriving community use and the way the application was currently being dealt with did nothing to protect this.

Applicant/Agent Representation

9. Mr Bowman (Applicant) and Mr Maxwell (Agent) in addressing the Committee raised the following points:
- They supported the application, which had been brought to the Committee on behalf of West Berkshire Council's Education Service, to extend and refurbish the dilapidated sports hall at The Downs School.
 - This would have the benefit of providing a fit for purpose sports hall which met the Department for Education's guidelines. It would extend the sports hall from three to four courts, which was in line with other school sports halls elsewhere. It would provide excellent modern facilities for students to participate in sport and encourage healthy hearts and minds.
 - It would replace a poorly performing building, with a refurbished and extended sports hall, which would perform much better in terms of energy sustainability than the current building. It would be net zero in operation.
 - Efficiency of the car park would be improved providing additional accessible parking. The north car park would be resurfaced with parking denoted. Both car parks would remain operational during the building and works would be phased.
 - It was hoped the Committee would support the proposal and grant planning permission.

Member Questions to the Applicant/Agent

10. Members asked questions of the Applicant/Agent and were given the following responses:
- It was confirmed that phasing of the work would take place outside of school term time. In reference to the disturbance to trees in terms of nesting times, it was confirmed that most of the work on the car park would not impact on the trees. Most of the planning for the tree areas was for them to remain as they were currently. The north car park was currently a gravelled space, which would be removed, levelled and then re-gravelled with denoted parking bays. It could not be guaranteed that it would prevent parking on surrounding roads however, it would not impact on the current parking onsite.

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- Regarding usage of the facility outside of educational usage, the facility would provide the ability for community use however, Mr Bowman did not have any information on whether community use would continue.

Ward Member Representation

11. Councillor Culver in addressing the Committee raised the following points:

- Councillor Culver had called the application in 19 months ago.
- Councillor Culver welcomed the fact that the Council wished to improve the facility however, she had some concerns along with the Parish Council and residents.
- Highways' colleagues acknowledged that there might be a temporary displacement of sixth form students' cars from the school site to neighbouring streets during the construction phase and had suggested less spaces would mean less students used their cars. Councillor Culver felt that this failed to recognise that it was a rural school where sixth form students travelled in from a wide catchment, and the only public bus route ran every two hours. Unless students lived in the villages served by the bus route, it would not be of any use to them.
- There was already pressure caused by parking on neighbouring streets, which the school and Councillor Culver had received complaints about. Councillor Culver strongly recommended to the school that if the application was approved, they should work out how to ration spaces so that those who could not walk, cycle or use the bus were prioritised for a parking space.
- Members were told at the site visit that a tree would be lost. Councillor Culver requested that this be addressed in the conditions.
- Councillor Culver felt it would be helpful to have clarity about when work would take place and how long it would take given the longest school break of the year was coming to an end.
- The Parish Council and residents who ran the public provision at the school were concerned about public access to the new facility. While the Officer's report stated 'it is understood that consultation will be held regarding the community use of the facilities', coaches that ran some of the public provision had informed Councillor Culver that they had received no response from the new leisure contractor despite raising concerns with them. They had not been consulted ahead of the tender exercise and as a consequence they were now experiencing problems they did not have under the previous contractor.
- Councillor Culver reiterated that she had made the call-in 19 months ago and queried why no reassurance been provided in the meantime. Concerns had been heightened by the apparent lack of interest of the new contractor in engaging with the coaches.
- In February 2022, Compton passed its Neighbourhood Development Plan at referendum. The document stated that planning decisions should 'guard against the unnecessary loss of valued facilities'.
- When the Institute received planning permission shortly after the referendum, the following policies were not met: policy C2 for the number of homes; policy C4 district heating; policy C5 housing mix; policy C6 hostel retention; policy C7 regarding house size and policy C11 business hub. Councillor Culver stressed it was important that policy C12 on community facilities was not ignored as well.

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- The school had experienced flooding on site. School staff had showed Councillor Culver a building where students needed to jump across a flooded path to get in and out.
- The Principal Engineer for Drainage and Flood Risk had raised a series of concerns since February 2022. Members had been given sight of his emails from February 2022, April 2022, June 2022 and August 2023 on the planning portal.
- On 15th August the Principal Engineer for Drainage had written 'The FRA needs to be revised'. Councillor Culver stressed that this was a fundamental problem and from looking at the emails she had no confidence that policy CS16 could be met. Councillor Culver queried why the Principal Engineer's concerns had not been sorted 18 months after his first concerns were raised, so that Members could vote with confidence that his concerns had been dealt with.

Member Questions to the Ward Member

12. Members asked questions of the Ward Member and were given the following responses:

- Regarding the glazing being one of the reasons for the item being called in, Councillor Culver did not feel the issue had been resolved and agreed with Mr Quartermain's existing concerns regarding the proposed glazed design.

13. Councillor Woollaston noted that there were a number of areas that had been raised by Councillor Culver that had not been addressed in the report. On this basis he queried if the application should be deferred. Ms Sharon Armour advised that the Committee should proceed with questions to Officers before making a decision about whether to defer the item.

Member Questions to Officers

14. *Councillor Heather Codling declared an interest in the item as she was the Portfolio Holder for Education and was aware of the application.*

15. Members asked questions of the Officers and were given the following responses:

- On whether the glazed element of the proposal was necessary, the Planning Authority had to consider the application before it, and assess it on its merits. It was expected that the proposed glazing related to the amenity of the facility and because it provided a nice outlook. A condition had not been added to secure obscured glazing because the distance to the public right of way did not make this necessary. This was not a condition recommended by Planning however, might be something Members wished to consider.
- A planning condition should only be added to make the development acceptable. Concern regarding the glazing had been raised and during the course of the application process the applicant had offered to obscure glaze the windows to half way up. Planning Officers did not however feel that this was necessary due to the distance involved to the public right of way and had therefore not recommended it as a condition. It was expected that the applicant would accept a condition on this if Members felt it was necessary on planning grounds.
- It was confirmed that the contract between West Berkshire Council and the leisure contractor was not a planning matter however, community use of the facility possibly was.
- The application included a proposal to extend and refurbish the sports hall with new facilities. Nothing that was being proposed would remove the possibility of

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community use and no change of use was proposed. Members could request that details regarding community use be secured if wished and this might be an element the Committee wished to debate.

- In terms of the best way to secure community use going forward, both conditions and Section 106 Agreements aimed to secure measures in the planning permission. The National Planning Policy Framework (NPPF) was clear that conditions should be used where possible. A S106 Agreement should only be resorted to when a condition would not suffice and there was no reason that could be identified as to why a S106 would be required over a condition.
- Regarding Mr Quartermain's statement that adopted planning policy requested the potential loss of the facility be considered as part of the decision, there was no evidence in the planning application that there would be a change of use to stop the community use.
- The latest position regarding SuDS had arisen since publication of the planning report including the issue of ground and surface water. The Drainage Officer was not content with the drainage strategy submitted. If Members were minded to otherwise approve the application then drainage could be delegated to Officers as a technical matter to ensure the Drainage Officer was satisfied with the scheme before proceeding. If there were any fundamental changes required to the scheme it was likely it would be brought back to Committee for consideration.

Debate

16. Councillor Vickers opened the debate by stating he hoped it would not be necessary to defer the item and set out what he deemed to be the key issues. On the matter of community use, Councillor Vickers stated that he would like to accept Mr Dray's suggestion of adding a condition that required proposals on continuing with community use to be set out.
17. Councillor Vickers was concerned about the parking issues raised and felt that a Travel Plan condition could be added. It was not only the reduction in the available space that was an issue but also a way of rationing available spaces was required. The footprint of the building was being increased at the expense of land available for parking and therefore it was felt this would be a reasonable request.
18. In terms of drainage and SuDS, Councillor Vickers commented that the impermeable surface was not increasing significantly and based on Councillor Culver's comments, it sounded like this was an existing issue. Councillor Vickers felt that the applicant should not be asked to deal with an existing problem. If a new drainage strategy was required, this might be something that was outside the remit of the application. Councillor Vickers stated he would be happy to delegate the matter to Officers.
19. Councillor Vickers stated that he was content with the glazed aspect of the proposal and what had already been offered by the applicant. He felt to be exercising in a windowless environment would not be good for one's mental health. It was not felt that the child protection matters raised were significant, as there was little difference to children playing out on the school field as they did currently.
20. Councillor Culver stated that the applicant was not being expected to deal with the existing flooding issues. The Flood Engineer had specifically considered the application. Councillor Culver's point had been that there was already an issue on site and the Flood Engineer had stated that the proposal would require a new flood risk assessment. Her point was that if the proposal was approved the issue would be compounded. Members needed to consider the application on its merits and the

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Drainage Engineer currently did not consider this area of the application to be adequate. The Drainage Engineer's concerns dated back to February 2022 and Councillor Culver queried why the matter had not been addressed.

21. Councillor Culver was of the view that if the issues of drainage and community usage had been addressed earlier there would be confidence in the scheme being granted approval and going ahead. Councillor Culver did not want to prevent a positive application from going ahead however, felt that by voting in favour of the scheme she would be going against the comments of the Flood Engineer. Councillor Culver wanted to feel confident that the Flood Engineer's concerns had been addressed. Councillor Culver felt that a condition was also required on public usage. Concerns about both aspects had been raised by the public and the Parish Council 19 months ago and Councillor Culver felt that West Berkshire Council as the applicant should have rectified the issues.
22. The Chairman asked if Councillor Culver would be in support of the issues mentioned being delegated to Officers to resolve and she confirmed that she would not support this approach.
23. Councillor Codling stated that she supported the proposal. It was necessary for the school to have the facility. Councillor Codling had believed the intention was for community use to continue and this was why Everyone Active had pushed for the scheme to be progressed.
24. Councillor Amirtharaj stated that although he would support the proposal he was concerned about the privacy issues raised by the Parish Council with regards to the glazing. He was not convinced that the distance to the public right of way was sufficient. Councillor Amirtharaj felt the building needed to be fully obscured. The Chairman stated that it was not within the remit of the Committee to redesign the building. Mr Dray confirmed that the Committee could debate the matter and add a condition to ensure obscured glazing was put in place.
25. Councillor Culver proposed that the item be deferred until further information was obtained regarding community usage and the drainage issues. Councillor Woollaston seconded the proposal. The Chairman invited the Committee to vote on the proposal and at the vote the motion was not carried.
26. Councillor Hooker agreed with the comments raised by Councillor Vickers. Councillor Hooker proposed Members accept the recommendation to approve planning permission subject to conditions being added in line with Councillor Vickers comments. Councillor Vickers seconded the proposal.
27. Mr Dray clarified the conditions that Councillor Hooker and Councillor Vickers wished to add to the proposal. It was acknowledged that the proposal was to accept the Officer recommendation as set out in the report and update sheet including the delegation of matters regarding BREEAM and SuDs to Officers.
28. Regarding concerns about parking and phasing, rather than a Travel Plan Mr Dray suggested that condition five on the construction method statement be amended and extended to explain about phasing and timings. Councillor Vickers stated that it was not just the construction method statement but also the finished plan. He felt the school would need to ration the use of parking spaces and this might require a Travel Plan. Mr Dray acknowledged that concerns related to the operation of the site as well as the construction phase and therefore suggested that as well as amending condition five, a separate condition be added to ensure a plan was provided for how parking on the site would be operated. Details on this would need to be provided prior to occupation.

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29. Mr Dray further clarified that a condition was required regarding community use. This would state that prior to occupation, a scheme of community use should be submitted to the Council for approval.
30. Regarding a condition on obscured glazing, Mr Dray clarified with Councillor Hooker that he wished for half of the window to be obscured. Councillor Vickers confirmed he was content with this proposal.
31. Mr Paul Goddard reported that there had been a time when every school in the district had a Travel Plan. He was unsure of the current Travel Plan arrangements for the school in question or whether it still existed. A Travel Plan condition could be included or it might be possible to update the current Travel Plan to account for the current proposal if approved. Regarding condition five on the construction method statement, Mr Goddard was aware of concerns regarding the overspill of parking onto nearby roads during the construction phase and suggested an additional line was added to ensure staff car parking continued on the site.
32. Councillor Hooker and Councillor Vickers confirmed that they agreed with the clarification provided on conditions by Officers.
33. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker seconded by Councillor Vickers to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to grant planning permission subject to (1) resolution of the drainage and BREEAM issues (including applying any necessary conditions) within 3 months of the date of the committee meeting, or such longer period as agreed by the Development Control Manager in consultation with the Chairman of the committee, and (2) the additional/amended conditions as set out below;

OR in the event that the drainage and BREEAM issues are not resolved, that the application is brought back for the consideration of the committee.

Conditions

5.	<p>Construction method statement (amended)</p> <p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none">(a) The parking of vehicles of site operatives and visitors, including a plan to manage the phasing and timing of work with the available parking across the school site(b) Loading and unloading of plant and materials(c) Storage of plant and materials used in constructing the development(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing(e) Wheel washing facilities(f) Measures to control the emission of dust and dirt during construction(g) A scheme for recycling/disposing of waste resulting from demolition and construction works(h) A site set-up plan during the works(i) Temporary parking school uses during construction <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in</p>
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	<p>the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
	<p>Travel Plan (additional) The development hereby permitted shall not be brought into use until a Travel Plan (or an updated Travel Plan) for the school has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be implemented from the development first being brought into use. It should be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking and/or management of parking across the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
	<p>Scheme of Community Use (additional) The development hereby permitted shall not be brought into use until a scheme of community use has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.</p> <p>Reason: To prevent the loss of valued community use in accordance with the National Planning Policy Framework, and Policy C12 of the Compton Neighbourhood Development Plan.</p>
	<p>Obscure glazing (additional) The studio window at first floor level in the eastern elevation shall be fitted with obscure glass or an opaque frosted film across the lower half of the window (in accordance with drawing number 20083-OA-B1-ZZ-DR-A-5002/P6) before the extension hereby permitted is occupied. The obscure glazing / opaque frosted film shall be permanently retained in that condition thereafter.</p> <p>Reason: To safeguard the privacy of the users of the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).</p>

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(The meeting commenced at 6.30 pm and closed at 10.28 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/00642/FUL Lambourn Parish Council	24/05/2023 ¹	Retrospective Two new storage bays utilising existing containers. To be used to house machinery and provide weather proof cover for existing items within the yard. Martin Collins Enterprises Ltd Cuckoo Copse Lambourn Woodlands Hungerford RG17 7TJ Martin Collins Enterprises Ltd

¹ Extension of time agreed with applicant until

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/00642/FUL>

Recommendation Summary: To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Ward Member(s): Councillor Howard Woolaston

Reason for Committee Determination: The application has received 10 letters of objections and officers are recommending APPROVAL subject to conditions.

Committee Site Visit: 14th September 2023

Contact Officer Details

Name: Mr Matthew Shepherd
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Matthew.Shepherd@Westberks.gov.uk

1. Introduction

- 1.1 This application seeks Retrospective planning permission for two new storage bays utilising existing containers. To be used to house machinery and provide weatherproof cover for existing items within the yard.
- 1.2 The application site is contained within the existing yard of Martin Collins Enterprises Ltd. It is the case officers understanding that this yard produces surfacing for the Race Horse Industry and is considered an established use. The yard as a whole is sited in the Membury Industrial estate, albeit on the peripheries. The M4 is to the north, the site is accessed to the west via an existing access off Ramsbury Road. To the east of the site lies Cukoo Copse and to the North further industrial estate uses.
- 1.3 The proposal consists of two retrospective structures that are on site at the time of writing. These consist of three existing storage containers that have been joined together by arching canopies. The canopies are approximately 7 meters at their highest. The containers are approximately 13 meters long.
- 1.4 The development creates a covered area of approximately 273 square meters. There is no extension of hardstanding or extension of the site into the countryside. The area covered is already in existence as hard standing for the existing use of the site.
- 1.5 The site is located within the open countryside outside of defined settlement boundaries. It is located within the North Wessex Downs Area of Outstanding Natural Beauty

2. Planning History

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

Application	Proposal	Decision / Date
83/19873/ADD	Change of use from agricultural to storage of agricultural machinery and equipment with ancillary offices	Approved 08.11.1983
85/24981/ADD	Demolition of existing and redevelopment of the site for storage of agricultural machinery and offices	Approved 13.11.1985.
88/31581/ADD	Demolition of existing and redevelopment in five stages for assembly and storage of agricultural machinery and equipment with ancillary offices	Approved 18.05.1988.
91/38724/ADD	Offices and warehousing	Approved 04.06.1991.
91/39290/ADD	Storage and maintenance of plant hire equipment	Approved 6.06.1991.
95/47708/FUL	B2 & b8 use. erection of new building. re-roofing of existing building.	Approved 27.03.1996

96/48088/FUL	Cladding to exterior of existing building. erection of fence to part of southern boundary.	Approved 29.04.1996
97/51229/FUL	Erection of security gate- water storage tank-grasscrete track with associated ground levelling (retrospective)	Approved 07.10.1997.
97/51272/FUL	Erection of new hardstanding and gas storage tanks. replacement hardstanding (part retrospective)	22.10.1997.
01/00176/FUL	Open storage area for agricultural equipment and machinery used for construction of equestrian surfaces; including all weather gallops associated with the Racing industry	Refused 15.05.2001.
04/02545/FUL	Storage of raw materials for the production of surfaces for the equestrian industry.	Approved 17.01.2005
08/01370/FUL	Retrospective - change of use of the land for storage purposes.	Approved 22.05.2009
09/01344/COND1	Application for approval of details reserved by Condition 4 of planning permission reference 08/01370/FUL: Condition 4 - Landscaping.	Approved 15.09.2009.

3. Procedural Matters

3.1 EIA:

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

3.2 Publicity:

Site notice displayed on 29/06/2023 at the entrance of the property; the deadline for representations expired on 20/07/2023.

3.3 CIL:

Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

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

3.4 Consultation

Statutory and non-statutory consultation

3.5 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.

Lambourn Parish Council:	It was noted that this was a retrospective application. No rainwater plan has been submitted which may affect localised flooding. The structures are large and adjacent to neighbouring boundary. They are conspicuous structures within an area of outstanding natural beauty. Neighbouring properties are affected, and their amenities require protection. It was proposed that accepting the application would set a dangerous precedent. Therefore, Lambourn Parish Council resolved to objection to this application.
WBC Highways:	It is understood that the two storage containers are to be used to house machinery and provide weather proof cover for existing items. Highways are therefore not expecting an increase in traffic generation as a result of the proposal. As there are no implication for highways, no objections raised.
WBC SUDS:	No response within the 21 day consultation period.
WBC Enforcement:	No response within the 21 day consultation period.
North Wessex Downs AONB Board	No response within the 21 day consultation period.
WBC Archaeology	Though this land falls within an area of formerly occupied by a second world war airfield, I do not believe there are any archaeology implications to this retrospective proposal.
WBC Environmental Health	No objections
WBC Tree:	The proposed barns are located on existing hardstanding. No landscape or tree issues identified. No objections. No conditions requested.

Public representations

3.6 Representations have been received from 13 contributors, 0 of which support, and 15 of which object to the proposal.

3.7 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:

- The development is retrospective.
- It is extremely dominant within the landscape, which sits within the Area of Outstanding Natural Beauty (AONB).
- The development is taller than boundary fences making it visible to neighbours.
- No information in regard to how the applicant proposes to deal with water run-off from these two large structures.
- The description of development is inaccurate as it discusses these structures as if they have been on site for some time. Both structures are relatively new.
- They have only noted the presence of Honeysuckle Cottage
- The applicants would not have submitted applications had they not been challenged by neighbours.
- The outlook of neighbouring properties has been changed greatly. They are visible from kitchen, living room, bedrooms and from most of the outside areas of the neighbouring plots.
- There has been a cumulative change to Membury across many years with little consideration to the impact on local community.
- Objectors should be able to enjoy their garden with the vista being dominated by even more industrial.
- The application may set a precedent for business development in Membury Industrial Estate.
- Concern is raised in regard to the low-lying Cuckoo Copse and how the area may flood.
- Concern in regard to neighbouring property trees.
- The development would impact nearby ancient woodland.
- The development can be seen from Ramsbury Road.
- There are no measurements on the scaled drawings.

4. Planning Policy

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

- Policies ADPP1, ADPP5, CS9, CS10, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4.2 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 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

5. Appraisal

5.1 The main issues for consideration in this application are:

- The principle of the proposal;
- The impact on the character and appearance of the area;
- Amenity;
- Highways;
- Ecology and Trees

Principle of development

5.2 The application site is located outside of any defined settlement boundary within the district and it therefore regarded as 'open countryside' under Core Strategy Policy ADPP1. The policy states that only appropriate limited development in the countryside will be allowed focused on addressing identified needs and maintaining a strong rural economy.

5.3 Policy CS9 talks about the appropriate location of business development in the district. It states that proposals for industry, distribution and storage uses will be directed to the District's defined Protected Employment Areas, and existing suitably located employment sites and premises.

5.4 Any proposals for such uses outside these areas/locations will be assessed by the Council against the following:

- compatibility with uses in the area surrounding the proposals and potential impacts on those uses; and
- capacity and impact on the road network and access by sustainable modes of transport.

5.5 Whilst the development itself is for storage it is for storage of machinery for the on-site business it serves. Nevertheless, the application for storage of machinery used on the business yard on site is compatible with the area surrounding the proposals. The storage of equipment under a cover in an existing yard where the equipment would normally be stored in this location without the benefit of a cover is not considered to conflict with CS9's criteria. Furthermore, Highways Officers raise no objections to the application and as such it is considered the impact on the road network would not be harmful.

5.6 Policy CS10 notes that existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area.

5.7 The supporting text notes that many rural areas host a large number of small and medium sized enterprises which are vital to providing local job opportunities and a diverse economy. There is a continued need to protect and support the development of start-up businesses and adequate provision should be made for them throughout the District. National policy supports sustainable economic growth in rural areas.

5.8 The development would assist an existing rural enterprise look after its assets by providing a covered area for them. This would protect the business interests and support it going forwards.

- 5.9 Overall, the proposed development is situated within an existing rural business yard. It proposes no extension into the countryside and proposes to cover an area that already stores equipment within it, albeit exposed to the elements. The use is considered compatible with the existing nature of the site, not considered to give rise to highways issues. The development is considered to be in principle support by policies ADPP1, CS9 and CS10.

Character and appearance

- 5.10 The application site is contained within the existing yard of Martin Collins Enterprises Ltd. It is the case officers understanding that this yard produces surfacing for the Race Horse Industry and is considered an established use. The yard as a whole is sited in the Membury Industrial estate, albeit on the peripheries. The M4 is to the north, the site is accessed to the west via an existing access off Ramsbury Road. To the east of the site lies Cukoo Copse and to the North further industrial estate uses.
- 5.11 The proposal consists of two retrospective structures that are on site at the time of writing. These consist of three existing storage containers that have been joined together by arching canopies. The canopies are approximately 7 meters at their highest. The containers are approximately 13 meters long.
- 5.12 The development creates a covered area of approximately 273 square meters. There is no extension of hardstanding or extension of the site into the countryside. The area covered is already in existence as hard standing for the existing use of the site.
- 5.13 It is noted that objectors have raised that you can see the structures above the boundary treatment of the established premises. The case officer concurs with this having seen the structures from the front entrance of the site. However, as noted by the planning agent and case officer this is below the trees behind the development and lower than the existing building on site. The views of the structures would be limited to immediate views of the area and would be viewed against the backdrop of the existing industrial estate and its buildings.
- 5.14 The structures would not be seen in the wider context of the AONB. They would be shielded from wider views by the adjacent forest and the existing Membury Industrial Estate.
- 5.15 The structures would be over an existing part of the site, they would not extend the yard further into the AONB. There may be a change to the views enjoyed by neighbouring properties such as Honeysuckle and Cuckoo Cottage but outlook is not material planning consideration according to the PPG. The planning decision must be made on the impact to the character of the area and landscape. To which it is considered that the development is an industrial development in an existing industrial unit, with no further incursions into the AONB. With a height below that of existing trees and buildings in the area.
- 5.16 The development is not considered to have a detrimental impact on the character and appearance of the area nor on the Area of Outstanding Natural Beauty.
- 5.17 The development is considered to be in accordance with Policies CS14 and CS19 of the development plan in regard to the impact to the AONB and the design of the development.

Neighbouring Amenity

- 5.18 With regard to the impact on neighbour amenity, Policy CS14 of the West Berkshire Core Strategy seeks all development to have a positive impact on quality of life in the

district. Conversely, developments that have a negative impact on quality of life would not accord with the policy. The development

- 5.19 The development is located within an existing commercial premises. It provides covered shelter for existing equipment on site. There is not considered to be any intensification of the use of the site from this development. The proposed development is located away from neighbouring dwellings and is not considered to create issues of overshadowing overbearing on neighbouring amenity. No windows are proposed and no elevated positions such as balconies or walkways are included therefore no overlooking is considered to be created.
- 5.20 The development is not considered to have an adverse impact on neighbouring amenity. The proposed development is considered to be in accordance with CS14 in regard to neighbouring amenity.

Highways Matters

- 5.21 The application outlines that the two storage containers are to be used to house machinery and provide weatherproof cover for existing items. Highway officers have therefore assessed that there will be no expected increase in traffic generation as a result of the proposal. There is no proposals to alter how vehicles gain access/exit the site or how they use the wide highway network as part of this application. Given this Highways Officer have raised no objections to the application and the development is considered to comply with CS13 of the development plan.

Ecology and Trees

- 5.22 The site has a series of Tree Protection Orders centred around the entrance of the site near to Ramsbury Road. There is a band of TPO trees to the west of the site on the Road. The adjacent Cuckoo Copse does not have ancient woodland status. The closest Ancient woodland is to the West around 500 meters away, just north of M4. This is highlighted in green below.





5.23 The proposed structures are located on existing hardstanding. No landscape or tree issues are identified by the Councils Tree Officer. The Tree Officer raises no objections and requested no conditions.

Sustainable Drainage

5.24 The application site is located in flood zone 1 and is at least likely risk of flooding. Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity, and amenity. Given the level of development is minimal and there is no further hardstanding created from this development a condition requiring SUDs to be incorporated in the development is recommended.

6. Planning Balance and Conclusion

6.1 The proposed development supports an existing business on site by protecting equipment. The proposed development is not considered to harm the AONB landscape, impact neighbouring amenity, impact the surrounding Highways or Ecology/Tree's in the immediate area. The development is therefore considered in accordance with ADPP1, ADPP5, CS9, CS10, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy (2006-2026).

7. Full Recommendation

7.1 To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

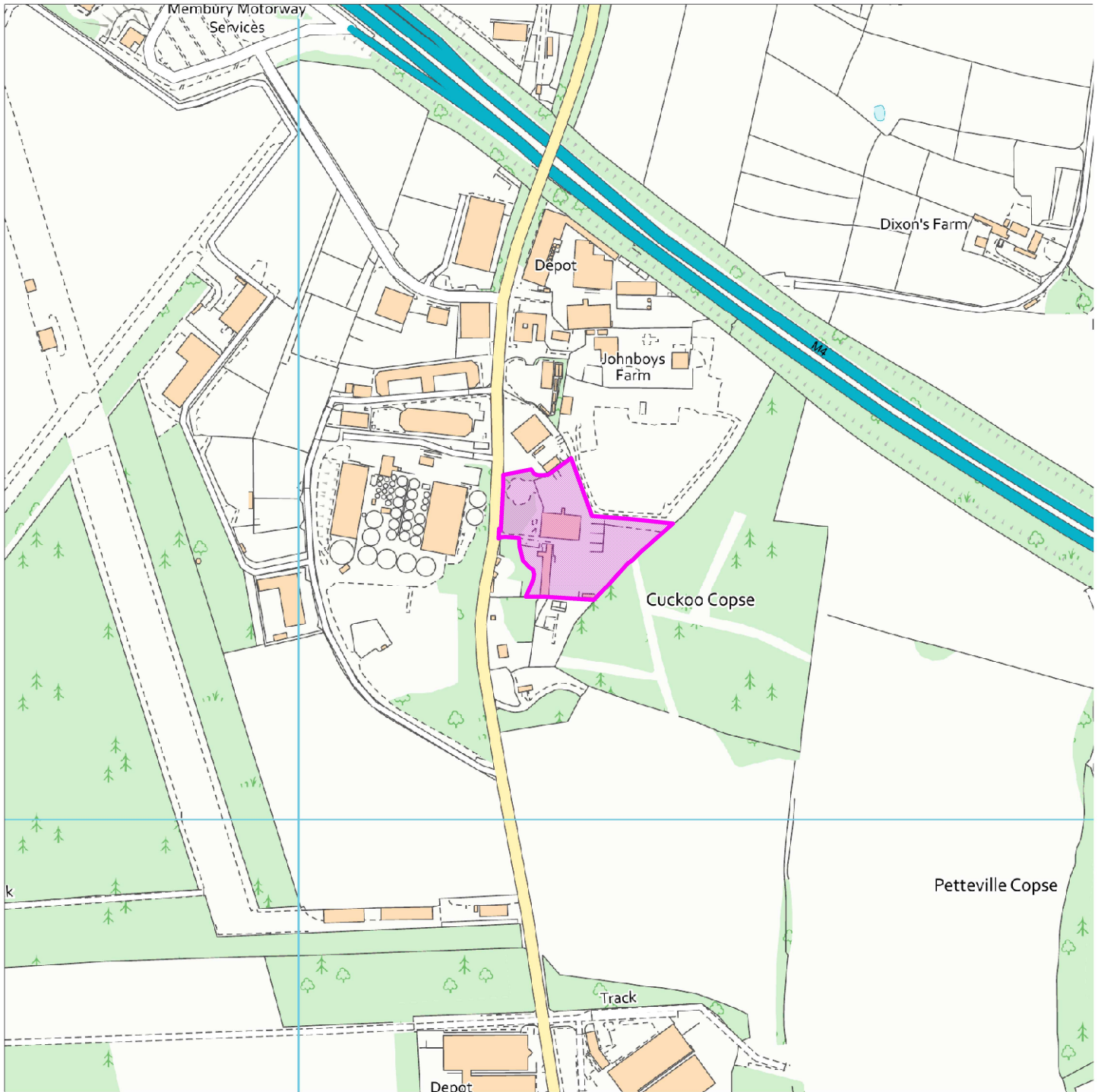
	<p>No condition on commencement is needed as the development is retrospective in nature.</p>
1.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Site Location & Block Plans. Drawing number P4337.100 Proposed Plans & Elevations. Drawing number P4337.01</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>SUDS Incorporated into the Scheme</p> <p>The development of the site shall incorporate sustainable drainage techniques. These shall ensure that all surface water is contained within the site and that no surface water is directed to existing highway drains nor existing water courses unless through controlled attenuation. The sustainable drainage methods shall be maintained and operated in good working order in perpetuity.</p> <p>Reason: To ensure that the development does not create unsustainable surface water run-off or adversely affects important areas of bio and geo diversity in accordance with the National Planning Policy Framework and Policy CS16 and CS17 of the West Berkshire Core Strategy 2006 - 2026.</p>
3.	<p>Use restriction</p> <p>The development hereby approved shall be used for storage of equipment associated solely with the existing business on site and for no other purposes or business.</p> <p>Reason: It is considered necessary to restrict the use of the storage to the established business on site as it would be compatible with the existing use of the site to the benefit of the rural economy. This use would be considered compatibly with the site and the surrounding uses. This condition is recommended in accordance with the National Planning Policy Framework and ADPP1, CS9, CS10 of the West Berkshire Core Strategy 2006-2026</p>

Informatives

1.	<p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>SUDS Informative Advice for the Applicant</p> <p>We would hope that consideration would be given to the use of SuDS features that provide a control of rainfall at source. This may include features such as water butts,</p>

rain gardens/ raised planters where a small volume of runoff would be contained for use in local irrigation. For more information on SuDS features, reference should be made to PolicyCS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document – Sustainable Drainage Systems (2018). Reference should also be made to the Environment Agency Standing Advice. Further information regarding SuDS can be found in C753 The SuDS Manual which is available for free online. We do not advise infiltration devices in areas where Clay is the underlying geology. To establish the underlying bedrock geology, reference should be made to the British Geological Survey (BGS) website. Where soakaways are to be used please carry out an infiltration test prior to construction, investigate groundwater levels and always ensure there is an alternative to discharge surface water runoff from the site (i.e. connection to a watercourse, or surface water sewer) when conceptualising the proposal.

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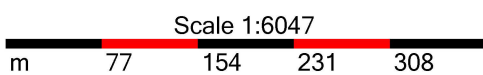


Map Centre Coordinates :

Scale : 1:6046

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	07 September 2023
SLA Number	0100024151

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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	23/01686/FUL Yattendon Parish Council	13/09/2023 ¹	Single storey extensions Orchard Day Nursery Everington Bungalow Everington Hill Yattendon Thatcham RG18 0UD Christian Howell

¹ Extension of time agreed with applicant until 22nd September 2023

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01686/FUL>

Recommendation Summary: To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Ward Member(s): Councillor Carolyne Culver

Reason for Committee Determination: The application has received 10 letters of objections and officers are recommending APPROVAL subject to conditions.

Committee Site Visit: 14th September 2023

Contact Officer Details

Name: Mr Matthew Shepherd
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Matthew.Shepherd@Westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for Change of use of the existing building from a day nursery to a residential dwelling and erection of extensions following the demolition of the existing conservatory at the dwelling known as Everington Bungalow Everington Hill Yattendon Thatcham RG18 0UD.
- 1.2 The site already benefits from permission for change of use from nursery to residential dwelling under 22/02455/FUL. This is yet to be implemented. The operation of the day nursery has ceased.
- 1.3 The site is located within the North Wessex Area of Outstanding Natural Beauty and is located outside of defined settlement boundaries in open countryside.
- 1.4 The development comprises a change of use of the building from Change of use from nursery to residential dwelling (C3 Dwelling). It also includes extensions to the south and to the west side of the existing bungalow. The development wraps around the south and west side of the existing dwelling. The extension to the south replaces the existing conservatory on site and extends the dwelling approximately 4.3 meters to the south and is 5.9m long. The development also includes a side extension 6.6m wide and 9.7m long to the west of the existing building. The extensions have an eaves height of 2.28 and a ridge height of 4.9 meters. All measurements are approximate.

2. Planning History

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

Application	Proposal	Decision / Date
08/00521/FUL	Retrospective application for the erection of a log cabin for use as an educational classroom for the under 5's and variation of planning restriction to allow a maximum of 24 children to attend at any one time.	Approved 01.09.2008.
10/01769/CERTP	Shed.	Refused 10.09.2010
13/02741/FUL	Erection of Shed.	Approved 21.03.2014
22/00952/FULD	Change of use from nursery to residential dwelling	Withdrawn 11.07.2022.
22/02455/FUL	Change of use from nursery to residential dwelling	Approved 02.02.2023.
23/00551/HOUSE	Single storey extensions	Withdrawn 06.03.2023.

3. Procedural Matters

3.1 EIA:

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

3.2 Publicity:

Site notice displayed on 01/08/2023 at the entrance of the property; the deadline for representations expired on 22/08/2023.

3.3 CIL:

Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

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

3.4 Consultation

Statutory and non-statutory consultation

3.5 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.

Yattendon Parish Council:	<p>Comments: Yattendon Parish Council objects to this application and submits the following comments:</p> <ol style="list-style-type: none">1. The walnut tree, which is the only tree remaining along the southwest boundary after the recent felling of all other trees along this boundary, must be protected throughout the construction of the development. It should be noted that this tree is protected by a Tree Preservation Order and there is significant concern that this tree may be affected by the extension.2. All the conditions given in the decision notice of planning application 22/02455/FUL must be included in the conditions for this development and met by the landowner. In particular, it is essential that the trees that have been removed are replaced and it is recommended that a planting scheme should be provided by the applicant prior to permission being granted.3. This dwelling shares a septic tank with the neighbouring dwellings. If Everington Bungalow is to be extended from a 2-bed 1-bath dwelling to a 3-bed 4-bath dwelling, the increased occupancy is likely to have an impact on the capacity of the
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	<p>septic tank and therefore a full assessment should be carried out and any upgrades necessary implemented by the owner. The proximity of the property, and therefore the septic tank, to the River Pang should also be taken into account. It should be noted that the application form states that it is unknown how foul sewage will be dealt with on the site, however, it is by septic tank.</p> <p>4. There is no mains water at the property. Water is obtained from a borehole which is shared by the neighbouring properties and is believed to only just be adequate for the properties at their current level of usage, which would increase given the increased capacity of the property.</p> <p>5. There are concerns about the change to the character of the building that sits within an AONB due to the addition of timber cladding, which is to be painted black, to the structure.</p> <p>6. The additional development appears to double the size of the footprint of the existing dwelling.</p> <p>7. It was noted that the extension containing the bedroom area is on an area where the ground starts to rise. This would result in ground works being required but there appears to be no mention of this within the application documents</p> <p>8. There is a 5-tonne weight limit on the bridge used to access the property. This will create issues with deliveries of materials to the site.</p> <p>9. Due to the presence of bats in this area, it is requested a condition be included to install bat boxes on the site.</p>
WBC Highways:	No objections subject to conditions.
WBC Ecology:	No response received within 21-day consultation period.
Natural England:	No response received within 21-day consultation period.
North Wessex Downs AONB Board	No response received within 21-day consultation period.
WBC Tree:	No objections subject to conditions
WBC SUDS:	No response received within 21-day consultation period.
WBC Waste Management	No response received within 21-day consultation period.
Adjacent Parish Council Frilsham Parish Council	<p>Frilsham Parish Council objects to this application for the following reasons:</p> <ul style="list-style-type: none"> • The extension appears to double the footprint of the existing building. Whilst the roof of the extension is marginally lower, it is hard to say that the extension would be subservient to the existing building. • Black painted Douglas Fir timber cladding is a significant change to the character of the existing building within the

	<p>AONB.</p> <ul style="list-style-type: none"> • There is no indication on the plans of the ground levels on the site. The bedroom extension will require ground works given the rise in the ground levels on this area of the site. • There is no ecology report associated with this application; there are known to be bats in the area. • Significant concern is raised about the impact the extension will have on the walnut tree on the south west boundary of the site which is the subject of a TPO. • The site has a private water supply, shared with the neighbouring dwellings. This supply is believed to only just be adequate for the existing level of usage. The addition of 3 en-suite bedrooms in addition to a family bathroom and the potential for increased occupancy is likely to put this water supply under pressure. • The increase in the number of bedrooms/bathrooms will increase the amount of foul water produced by the property. Foul water is handled by way of a shared septic tank, which is likely to require upgrading; full assessments should be made. Given that the property is within close proximity of the River Pang, concern is raised about pollution. <p>If WBC is minded to approve this application, conditions on the following should be considered:</p> <ul style="list-style-type: none"> • The walnut tree, which is the subject of a TPO must be protected throughout the construction of the extension. • The site is accessed via a bridge over the River Pang which is the subject of a 5-tonne weight limit. Construction materials will need to be delivered via smaller vehicles. • All of the conditions imposed on the approval of application 22/02455/FUL (“Change of use from nursery to residential dwelling”) should be included.
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Public representations

- 3.6 Representations have been received from 14 contributors, 1 of which support, and 13 of which object to the proposal.
- 3.7 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:
- The application lacks research regarding the impact on the effect on the surrounding area both in respect of wildlife and existing dwellings.
 - The access includes a weak bridge over the River Pang, damage to which will affect the flow of water as well as entry and egress to neighbouring dwellings.
 - The application lacks details in regards to screening/fencing on the North and East Border.
 - The application lacks detail in regards to the boundary treatments and the steps taken to protect tree roofs whilst foundations/excavations are carried out.
 - The number of toilets and showers will increase because of this application. Has any assessment been made in regards to additional waste water system.

- The plans show Velux Windows but the section do not.
- The property is accessed via a small bridge has any assessment been made as to the weight limit for this bridge
- Concern raised in regard to the increase in size of the foot print and the impact this will have on the change to the character and design of the existing property in the AONB.
- The bungalow is very close to Everington Cottage- two of the walls form the boundary between the two sites. There is not right of access from adjacent land for construction.
- Windows on the boundary should be obscure glazed
- No landscaping should be removed on neighbouring sites
- The application is not accompanied by a design and access statement.
- No information on the groundworks and how this will impact the roots of nearby trees.
- The Walnut Tree is the only tree left on site after the applicant cleared others on site.
- Felled trees should be replaced to screen from the noise of the M4.
- Concern in regard to doubling in size the dwelling in terms of footprint.
- The increased number of toilets in the dwelling may increase pollution into the River Pang.
- The land rises to the West of the plot and no information has been included in regards to a retaining wall.
- Access to the property is by a long single-track driveway, including a bridge with a 5-ton weight limit. Objectors would like to receive assurances that there will be no risk of the bridge being damaged by overloading by contractors' vehicles, since there is no alternative access to either Everington Bungalow or Everington Cottage
- The applicant has cut down 18 trees in the AONB and the provision of such a large increase in the dwelling would detract from the attractive region of the AONB.
- The existing Cess pit and is unlikely to be able to cope with sewage and wastewater given the large increase in the number of bathrooms.
- Confusion in the documents over the increase in size and the drawing reference numbers.
- The properties at Everington are served by a bore-hole which is under stress and frequently breaks down. The additional bathrooms will only serve to exacerbate this.
- The proposed materials are not in keeping with the character of the area.
- The increase in size is considered substantial
- The development does not make efficient use of land.
- No Bat survey is available online to review.
- Higher occupancy of a much larger property will have a direct impact on amenity as the windows look directly into a neighbouring lounge.
- Three of the rooms will not have natural light because they are already subject to landscaping to protect the privacy of the neighbouring property and the future occupants of this on, given the very close proximity of both properties and no scope for a boundary fence.
- The proposed elevations do not make clear the roof height nor the exact location/number of Velux-type windows, and it is difficult to compare as the plans are labelled differently.
- The existing conditions of the change of use have not been implemented.

Letters of support have been submitted supporting the development in regard to the following

- When the property was a nursery there were up to 25 children attending causing major issues with the 200-meter-long single track driveway resulting in excess of 100 vehicles

movements on a daily basis. The ex-nursery is at present in a very bad state of repair and completely uninhabitable and has been for several years. It is an eyesore. The new development and extension proposals would greatly enhance the site and seem to be in keeping with the surrounding area. New landscaping would be welcomed.

4. Planning Policy

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

- Policies ADPP1, ADPP5, CS1, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C6, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4.2 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 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

5. Appraisal

5.1 The main issues for consideration in this application are:

- The principle of the proposal;
- The impact on the character and appearance of the area;
- Amenity;
- Highways;
- Ecology and Trees

Principle of development

5.2 The application site is located outside of any defined settlement boundary within the district and it therefore regarded as 'open countryside' under Core Strategy Policy ADPP1. The policy states that only appropriate limited development in the countryside will be allowed. In the context of this general policy of restraint in the countryside, Policy C6 of the Housing Site Allocations DPD gives a presumption in favour of proposals for the extension of existing permanent dwellings in the countryside.

5.3 From historical mapping it is apparent the building the subject of this application has existed on site at least since 1962 and from site inspection the building is currently vacant and appears to have been for some time. HSA DPD Policy C4 allows for the conversion of existing redundant buildings to residential use, subject to certain criteria, including;

- i. the proposal involves a building that is structurally sound and capable of conversion without substantial rebuilding, extension or alteration; and
 - ii. the applicant can prove the building is genuinely redundant and a change to a residential use will not result in a subsequent request for a replacement building; and
 - iii. the environment is suitable for residential use and gives a satisfactory level of amenity for occupants; and
 - iv. it has no adverse impact on / does not affect rural character; and
 - v. the creation of the residential curtilage would not be visually intrusive, have a harmful effect on the rural character of the site, or its setting in the wider landscape; and
 - vi. the conversion retains the character, fabric and historic interest of the building and uses matching materials where those materials are an essential part of the character of the building and locality; and
 - vii. the impact on any protected species is assessed and measures proposed to mitigate such impacts.
- 5.4 The case officer notes that the change of use has already been granted under 22/02455/FUL and this is capable of being implemented. The previous officer considered in their report the following;
- “In this case, there is nothing to suggest that the building is not structurally sound and would not require substantial re-building or extension to be habitable. Furthermore, given the nature of the proposals it is not considered that the conversion to a residential use would result in a subsequent request for a replacement building. The principle of the development is therefore considered to be acceptable subject to its design and specific impacts as set out in Policy C4 which will be assessed further in this report.”*
- 5.5 The case officer notes that this application includes an extension to the building. It has previously been stated by the Council’s decision that the conversion does not require the extension in order for the dwelling to become habitable. Given 22/02455/FUL can still be implemented the Council will consider the extensions to the building proposed here under policy C6 - extensions to dwellings in the countryside, taking the change of use already approved as a viable position to start considerations from.
- 5.6 There is a presumption in favour of proposals for the extension of existing permanent dwellings. An extension or alteration will be permitted providing that:
- i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
 - ii. it has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
 - iii. the use of materials is appropriate within the local architectural context; and
 - iv. There is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.
- 5.7 The development is considered to be subservient in nature to the original dwelling. The ridge height of the original dwelling is 5.1m approximately and the proposed extension

is 4.9m approximately. Given the extension's ridge height is lower it reads as an extension and as subservient, not in such a manner as to render the elevations of the original dwelling unreadable, or to fundamentally alter its character within its setting. The proposed extension is designed to reflect the character of the area using similar roof shapes and angles. Its general design is in keeping with the original dwelling.

- 5.8 The proposed extension is not considered to have an adverse impact on the space occupied within the plot boundary. Whilst the original dwelling is located right on the east boundary and close to the north boundary the extension wraps around the east side of the development. It proposes a gap between the northern boundary and has a similar space to the boundary to the south. Whilst the proposed extension would be nearer to the plot boundaries it is not considered to have an adverse impact due to this.
- 5.9 Whilst the extension is large in footprint the resultant dwelling would not have an adverse impact on the rural character due to its overall proposed size. There are a number of dwellings in the immediate area such as Everington House and Cottages which would be of similar size or larger to the proposed extended dwelling. The bungalow is set far back from public views from the access road. Therefore, the development is not considered to have an adverse impact on the local rural character or on the wider landscape. The original bungalow does not have any historic interest of note.
- 5.10 It is noted that objections have been raised in terms of the Douglas Fir Timber Cladding painted black as proposed on the elevation drawings. The case officer notes the original dwelling is rendered and painted yellow in a similar manner to Everington Cottage but darkly coloured cladding would be similar to Everington Barn. The case officer therefore recommends a condition required materials to be submitted to the Council so that they can determine the appropriateness of the materials notwithstanding the details shown in this application. Appropriate materials would be required with appropriate colour, shade and tone.
- 5.11 The development would be single storey and therefore any views from windows outwards would be obscured by boundary treatments. The application site benefits from permission to be used as a dwelling and the extension proposed does not increase the size of the dwelling to the extent that it would harm the neighbours from noise.

Neighbouring Amenity

- 5.12 With regard to the impact on neighbour amenity, Policy CS14 of the West Berkshire Core Strategy seeks all development to have a positive impact on quality of life in the district. Conversely, developments that have a negative impact on quality of life would not accord with the policy. In terms of house extensions or alterations and their impact on amenity, SPG 04/2: House Extensions, identifies loss of light (natural and direct), overshadowing, overbearing and loss of privacy as the issues of primary concern.
- 5.13 The development would be single storey and therefore any views from windows outwards would be obscured by boundary treatments. The application site benefits from permission to be a dwelling and the extension proposed does not increase the size of the dwelling to the extent that it would harm the neighbours from noise. This would also be comparatively less harmful than the original use of the site as a day nursery.
- 5.14 The boundary to the north of the site benefits from substantial hedging and landscaping that is located on the adjacent landowner's land and also boundary fencing between the two sites. These boundary treatments/landscaping gives a strong privacy boundary between the two dwellings. Also permitted development would allow for 2-meter-high boundary treatments to be utilised if required in the future. Therefore, the case officer does not raise concerns in regard to impact to neighbouring amenity from overlooking or privacy given the single storey nature of the development.

- 5.15 The roof of the proposed development slopes away from the neighbouring dwellings and given the high hedgerows and landscaping between the two dwellings overshadowing is not considered to be an issue either.

Highways Matters

- 5.16 Highways Officers have raised no objections to the development as there is considered to be sufficient parking and turning on site. Highways Officers have requested an electric charging point be installed for electric vehicles which can be secured via condition.
- 5.17 There are a number of objections who have raised concern in terms of the access over a small bridge over the River Pang with many noting the maximum size of vehicle would be 5 tons. Given this is a domestic extension it is considered that mainly small tradesman's vehicles are likely to attend the site during construction. Having visited the site it is considered very unlikely that responsible commercial drivers of large goods vehicles would venture down the access and as such this aspect would be self-policed. Furthermore, the case officer considers it unlikely that given the insurance implications professional drivers would run this risk. The development is therefore considered in accordance with CS13 and P1 of the development plan.

Ecology & Tree's

- 5.18 The case officer has reviewed the applicant's Ecology report submitted with the application and notes the conclusions that no protected species were present at the site when it was surveyed. The site has low potential for other protected species. The buildings are negligible potential for roosting bats due to lack of roosting features and access points. The survey also notes that most of the trees on site do not possess suitable potential roosting opportunities for Bats. That is with the exception of Tree T1 which possessed a cavity which could provide potential roosting for bats. This tree unfortunately has been removed from site by the applicant. The tree was removed along with others on the southern boundary. The report made the recommendations that prior to removal it be checked by a qualified ecologist. The Council notes that these boundary trees are not protected by a TPO and whilst a shame to lose them the Trees are the applicants to do as they wish with in accordance with their ordinary rights to maintain or clear vegetation. It is to be assumed that any removal was performed in line with legislation regarding protected species, and in any case is not a planning matter. However, this permission provides an opportunity to secure mitigation works to the site to mitigate the loss of these potential roosts. The Ecology survey goes on to note that no further survey works are required for protected species, and makes a number of recommendations for enhancements that can be secured via planning condition.
- 5.19 The case officer notes that the Tree Officer previously commented that the application is for side and front extensions to the existing building. These are unlikely to be within the root protection area of the protected Walnut tree, however tree protection will be required to ensure the tree is not harmed by the development including material storage, vehicle movements They therefore raise no objections subject to conditions. In accordance with CS17 biodiversity and geo diversity assets across west Berkshire will be conserved and enhanced as part of planning applications. It is a shame to have loss mature trees from the site, however this is balanced against the fact that they were not TPO trees. However, for the proposed development to comply with policy it is considered a landscaping scheme of replacement landscaping is required to comply with CS17 stated aims. This would soften the change to the character of the area and enhance the biodiversity features of the site.

SUDS

- 5.20 The proposed development in terms of the changes of use and extensions are located in flood zone 1, which is categorised as is having the lowest risk of flooding. The sequential test and exception tests do not apply given the size and nature of the development. The access track is located in flood zone 3 so a flood risk assessment has been submitted. The Flood Risk assessment confirms that the applicant will implement the recommendations of the flood risk assessment and this can be secured by planning condition. This is considered appropriate given the existing nature of the access track to the development and that the application site benefits from extant permission for residential use.
- 5.21 Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity, and amenity. Given the level of development is minimal a condition requiring SUDs to be incorporated in the development is recommended.
- 5.22 The case officer notes that concerns are raised in regard to the increase in the number of toilets in the proposed development. The Planning Agent has pointed out that internal changes are not development, and the case officer notes that should the applicant wish to they could install a higher number of toilets/sinks in the dwelling without the need for planning permission. It is for the landowner to ensure that they are connected to an appropriate sewage function, and this would likely fall under building regulations. Additionally it is for the applicant to ensure utilities such as drinking water are provided for the dwelling. Such matters fall beyond the remit of planning at this scale.

6. Planning Balance and Conclusion

- 6.1 Overall, the development benefits already from an authorised residential use granted under 22/02455/FUL, and this is capable of being implemented. The proposed extensions as part of this application are considered in accordance with planning policy. There are a number of much larger houses in area surrounding the site, the proposals are for extensions and the proposed development is not considered to have an adverse impact on the AONB. The impact to neighbouring amenity is considered acceptable given the single storey nature of development. It is disappointing that a number of trees have been removed from site, but these did not have protected status under a TPO so this lost must be balanced against the applicant's freedoms as a landowner. Ecology and landscaping mitigation and enhancement can be secure via planning conditions. The proposed dwelling is located in an area that is least likely to flood.
- 6.2 The officer's recommendation is for APPROVAL subject to conditions.

7. Full Recommendation

- 7.1 To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p>
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	<p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan Proposed Extensions Floor Plans Drawing number DK/1090/223 Rev B. Proposed Extensions Elevations Plans. Drawing number DK/1090/223 Rev CC Proposed Extensions Sections. Drawing number DK/1090/223 Rev D. Flood Smart Flood Risk Assessment Report Reference 77321R2.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Schedule of materials</p> <p>Prior to the Construction of the hereby approved extensions to the dwelling a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Electric Charging Point</p> <p>The extensions hereby approved shall not be occupied until details an of electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The charging points must be a minimum of 7kw.</p> <p>The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 andCS14 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 Plan1991-2006 (Saved Policies 2007).</p>
5.	<p>Landscaping</p> <p>No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include:</p>

	<ul style="list-style-type: none"> • schedules of plants noting species, plant sizes and proposed numbers/densities • an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment. <p>The scheme shall ensure;</p> <p>a) Completion of the approved landscape scheme within the first planting season following completion of development.</p> <p>b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, (ADPP5 if within NWDAONB),CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
6.	<p>Tree protection scheme</p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:</p> <ul style="list-style-type: none"> - a plan showing the location and type of the protective fencing. - All such fencing shall be erected prior to any development works. - At least 2 working day's notice shall be given to the Local Planning Authority that it has been erected. - It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. - No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. <p>Note 1: The protective fencing should be as specified in the BS5837:2012 at Chapter 6 and detailed in figure 2.</p> <p>Note 2: Ground Protection shall be as paragraph 6.2.3.3. of the same British Standard.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: Required to safeguard and to enhance its setting within the immediate locality to ensure the protection and retention of existing trees and natural features</p>

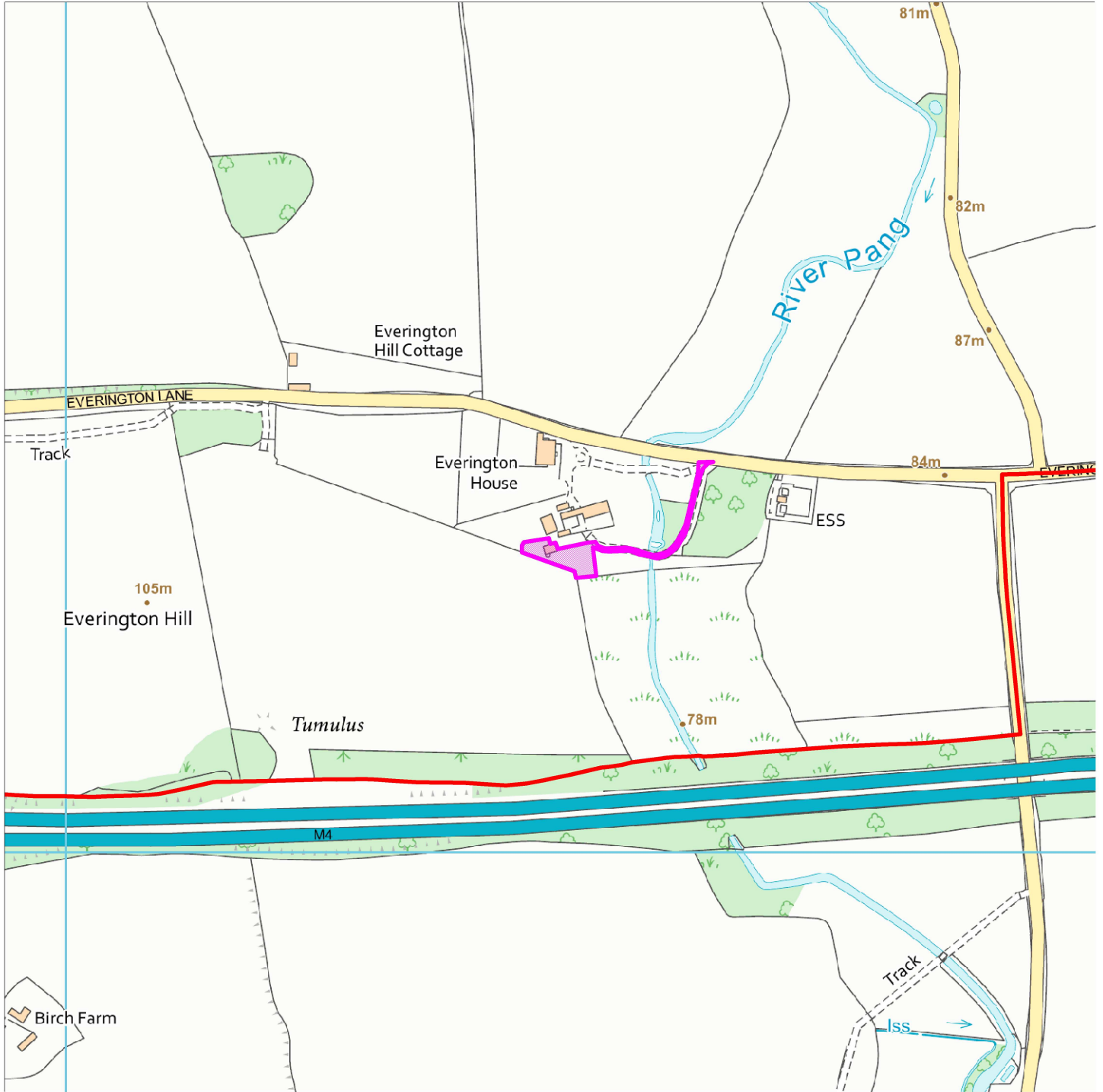
	during the construction phase in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.
7	<p>Lighting strategy (AONB)</p> <p>No external lighting shall be installed to the extensions hereby approved until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed in the dwelling except in accordance with the above strategy.</p> <p>Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026</p>
8	<p>Obscure Glazing</p> <p>The window(s) at ground floor level in the north elevation shall be fitted with obscure glass to a level equivalent to Pilkington Level 3 or above before the use hereby permitted commences. The obscure glazing shall be permanently retained in that condition thereafter.</p> <p>Reason: 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) and Quality Design SPD (2006).</p>
9	<p>Permitted Development Restrictions</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place: Part 1 Class A - enlargement of the dwellinghouse, Part 1 Class AA- Enlargement of a dwelling house by construction of additional storeys, Part 1 Class B - additions to the roof, Part 1 Class C - any other alterations to the roof and Class E - outbuildings. No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission without the prior written permission of the Local Planning Authority.</p> <p>Reason: To ensure adequate planning control over further development having regard to the sites location in the North Wessex Downs AONB and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policies C1, C3 and C4 of the Housing Sites Allocations DPD 2006 - 2026.</p>
10	SUDS Incorporated into the Scheme

	<p>The development of the site shall incorporate sustainable drainage techniques. These shall ensure that all surface water is contained within the site and that no surface water is directed to existing highway drains nor existing water courses unless through controlled attenuation. The sustainable drainage methods shall be maintained and operated in good working order in perpetuity.</p> <p>Reason: To ensure that the development does not create unsustainable surface water run-off or adversely affects important areas of bio and geo diversity in accordance with the National Planning Policy Framework and Policy CS16 and CS17 of the West Berkshire Core Strategy 2006 - 2026.</p>
11	<p>Flood Risk Assessment Recommendation Implementation</p> <p>The development hereby permitted shall be undertaken in accordance with the recommendations of the Flood Smart Flood Risk Assessment Report Reference 77321R2. The recommendations of the report shall be completed prior to the occupation of the extensions hereby approved.</p> <p>Reason: To ensure that the development is not at flood risk in accordance with the National Planning Policy Framework and Policy CS16 of the West Berkshire Core Strategy 2006 - 2026.</p>
12	<p>Biodiversity measures</p> <p>The development hereby permitted shall be undertaken in accordance with the recommendations of the Ecology Report undertaken by Cherryfield Ecology throughout the construction period of the development.</p> <p>The development hereby permitted shall not be occupied until the recommended mitigation in table 14 of the Cherryfield Ecology report have been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</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 which improves the economic, social and environmental conditions of the area.</p>
2.	<p>CIL</p> <p>The development hereby approved may result in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3.	<p>Protected Species</p> <p>Prior to the commencement of this proposal you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter www.gov.uk/guidance/wildlife-licences</p>
4.	<p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.</p>
5.	<p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
6	<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>

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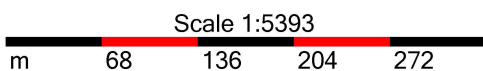
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	07 September 2023
SLA Number	0100024151



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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	23/01116/HOUSE Great Shefford	14 July 2023 ¹	Proposed two storey side and rear extensions. The Old Post House, Newbury Road, Shefford Woodlands, Hungerford, RG17 7AG Ms A McAlpine

¹ Extension of time agreed with applicant until 18 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=23/01116/HOUSE>

Recommendation Summary: To delegate to the Development Control Manager to **REFUSE** planning permission for the reason given in section 8

Ward Member(s): Councillor Clive Hooker

Reason for Committee Determination: Ward Member call in

Committee Site Visit: 14 September 2023

Contact Officer Details

Name: Harriet Allen
Job Title: Planning Officer
Tel No: 01635 519111
Email: Harriet.Allen1@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for a two-storey side extension and two storey rear extension.
- 1.2 The application site is located outside a defined settlement boundary and is within the North Wessex Downs Area of Outstanding Beauty. It forms part of a small rural cluster of dwellings to the east of a wider 18th-century settlement, and is surrounded by open rural and agricultural fields.
- 1.3 A structure has existed on the footprint of the Old Post House since at least the mid-19th century. The original dwelling, by the name of Pineapple Cottage, was of a rectangular form, with the ground floor extending southwards by 4 metres. The dwelling was extended to the south and east between 2010 and 2015, forming a two-storey L-shape. A utility room was then added to the rear of the ground floor in 2017. Within the curtilage, Pineapple Cottage was an approximately 30 sq m single storey outbuilding, which was demolished and replaced with a nearly 60 sq m outbuilding with a higher pitched roof to accommodate an attic in 2016.

2. Planning History

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

Application	Proposal	Decision / Date
05/02738/HOUSE	Wooden cabin in garden and garage workshop	Approved 21/02/2006
06/01441/HOUSE	Single storey detached car port	Approved 09/08/2006
06/01566/HOUSE	Two storey side extension; demolition of front porch and replace with conservatory	Withdrawn 19/09/2006
07/01047/HOUSE	Erection of a two storey extension	Approved 30/07/2007
10/01554/NONMAT	Application for non-material amendment to application 07/01047/HOUSE - Amendment - Replace exterior walls on southern elevation and end of house squared off on the southern elevation	Approved 03/08/2010
16/01502/HOUSE	Demolition of garage, car port and outbuilding and replacement with single outbuilding, with attic storage above	Approved 27/07/2016
17/01025/HOUSE	Addition of utility to rear of kitchen	Approved 04/07/2017
21/02640/HOUSE	Proposed rear/side single storey extension, proposed front/side 2 storey extension and porch, new windows	Withdrawn 30/12/2021

22/00802/HOUSE	Proposed side extension	Refused 25/05/2022
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3. Procedural Matters

- 3.1 EIA: Given the nature and scale of this householder 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: Site notice displayed on 16/06/2023 at the front of the site; the deadline for representations expired on 07/07/2023.
- 3.3 CIL: Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

The CIL Team have identified this application as potentially being CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

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.

Great Shefford Parish Council:	No response.
WBC Highways:	Response 23/05/2023, no objection.
Public Rights of Way	Response 31/05/2023, no objection however provided informatives.
Archaeology	Response 01/06/2023, no objection.
North Wessex Downs AONB	No response.
Ecology	No response.
Ramblers	No response.

Public representations

4.2 No letters of representation have been received on this application.

5. Planning Policy

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

- Policies ADPP1, ADPP5, CS14, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C3, C6 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 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Scale and impact on the local rural character

Principle of development

6.2 Whilst development is to be limited in the open countryside (ADPP1), there is a presumption in favour of extensions to existing permanent dwellings (C6 of HSA DPD), provided that the design, scale and impact on the setting, character and neighbouring residents is appropriate and respectful (CS14, CS19 C3, C6). In the North Wessex Downs AONB, development should also preserve and enhance the natural beauty of the setting (ADPP5).

6.3 The extension this application proposes has an overall appealing visual design and chooses materials that are in-keeping with the existing dwelling and local architecture. However, it fails to comply with Policy C6(i) as the extension does not achieve subservience to the original dwelling. Additionally, the cumulative extensions on the original dwelling as it was built are extensive and thus have a notable impact on the setting and character of the landscape, considerably increasing the associated visual prominence of the dwelling and its intrusion within the street scene and surrounding views contrary to Policy C6(ii) and Supporting Text 4.51, 4.52.

Character and appearance

6.4 The previously proposed two storey side extension for this dwelling was refused (22/00802/HOUSE) due to the design being unattractively utilitarian and was thus

considered as contrary to policies CS14 and CS19 of the Core Strategy, policies C3 and C6 of the Housing Site Allocations DPD, SPG 04/2 House Extensions and the NPPF. The current application has made clear improvements in response to this, proposing alterations that would result in a more traditional appearance, with features evocative of the local 19th century architecture. For example, the flush casement windows, an arched window on the proposed hall entrance – which is itself reminiscent of the nearby listed building Shefford Woodlands House – and painted brick.

- 6.5 Whilst the materials and overall appearance have successfully been improved upon, this is not sufficient to overcome the previous issue of scale and the impact this has on the setting and local rural character.
- 6.6 Individually, the large scale and massing of the dwelling could be seen as acceptable due to it being situated within a large plot, meaning it does not overwhelm the curtilage in question. However, the proposed extension subsumes the existing dwelling, and would alter the existing shape and form to a significant degree, resulting in a considerably larger set of extension that entirely subsume the original dwelling, and render it impossible to read in the new structure. This would permanently alter the character and appearance of the dwelling, rendering it considerably more prominent and intrusive in surrounding views, contrary to Policies C3 and C6.
- 6.7 Collectively, taking into consideration the two-storey extension (2007), outbuilding with an attic (2016) and rear kitchen extension (2017), the cumulative increase from the original building as built is significant. Excluding the outbuilding, the floor space increase from the original to the proposed two storey side and rear extensions would be 184%, which is larger than the increase proposed in the previously refused application (140%). The increase would be over 200% if including the outbuilding. While taken in isolation this increase in overall size does not render a proposed extension unacceptable, as a result of the amount of cumulative extension to the dwelling the nature of the site and its appearance within the surrounding screen scene and landscape would significantly change.

Neighbouring Amenity

- 6.8 The immediate neighbouring amenity is Forge Cottage, a late 19th century flint and brick dwelling that was once a part of a blacksmith's workshop. It is situated 8 m from The Old Post House, on the opposite side of a narrow road. The areas being extended are mostly set back, obscured by fencing, hedges and trees, and the dwelling is not easily visible from the 13/1 footpath (although this was observed during the summer wherein vegetation cover would be greatest). The extensions would not overshadow the neighbouring amenity although the visual impact in views from these neighbouring dwellings would be increased. However, this is not considered to result in any overbearing impact such as might merit the refusal of this application.
- 6.9 There is a general pattern of a decrease in dwelling scale the further east into Shefford Woodlands one travels. There is a risk of The Old Post House impacting views of the setting by imposing on the landscape should its size increase again, particularly as the public footpaths 13/1 and 13A/1 are approached from Newbury Road.

Ecology

- 6.10 Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) transpose the Habitats Directive (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) into national law. Schedule 2 of the Regulations lists all species of bats as being European Protected Species of

animals. It is an offence, subject to exceptions, to, amongst other things, kill or disturb animals listed in Schedule 2; this includes a single bat, not just a population of a species. However, these actions can be made lawful through the granting of licenses by the appropriate authority (Natural England), but only after it is satisfied that there are no satisfactory alternatives and such actions will have no detrimental effect on the species concerned.

- 6.11 It is incumbent on the local planning authority to establish if works being applied for could potentially affect bats, their breeding sites or resting places, which are fully protected by law. In this case, the proposed works would involve replacing a roof and renovating a building. These are included within the list of activities that could potentially affect bats set out in Government Guidance (Bats: protection and licences (published 8 October 2014, updated 29 March 2015)); if bats were present, therefore, the works could, at the very least, disturb them.
- 6.12 An initial bat survey was conducted over 12 months in the past. It states that another survey, or at least a detailed method statement, would be necessary following this length of time given the potential for roosts to have formed in this period. In response, a secondary bat survey was carried out and provided July 2023. This finds negligible potential for roosting bats to be present internally or externally.

7. Planning Balance and Conclusion

- 7.1 While the proposed works are of a good quality of design in themselves, they fail to achieve subservience to the existing dwelling, and cumulatively, when taken with previous extension works to the dwelling, would entirely subsume the original dwelling, fundamentally altering the character and appearance of the dwelling in the street scene. Therefore the works are considered to result in a disproportionate set of extensions to the dwelling that would fail to comply with the requirements of Policy

8. Full Recommendation

- 8.1 To delegate to the Development Control Manager to REFUSE PLANNING PERMISSION for the reason below.

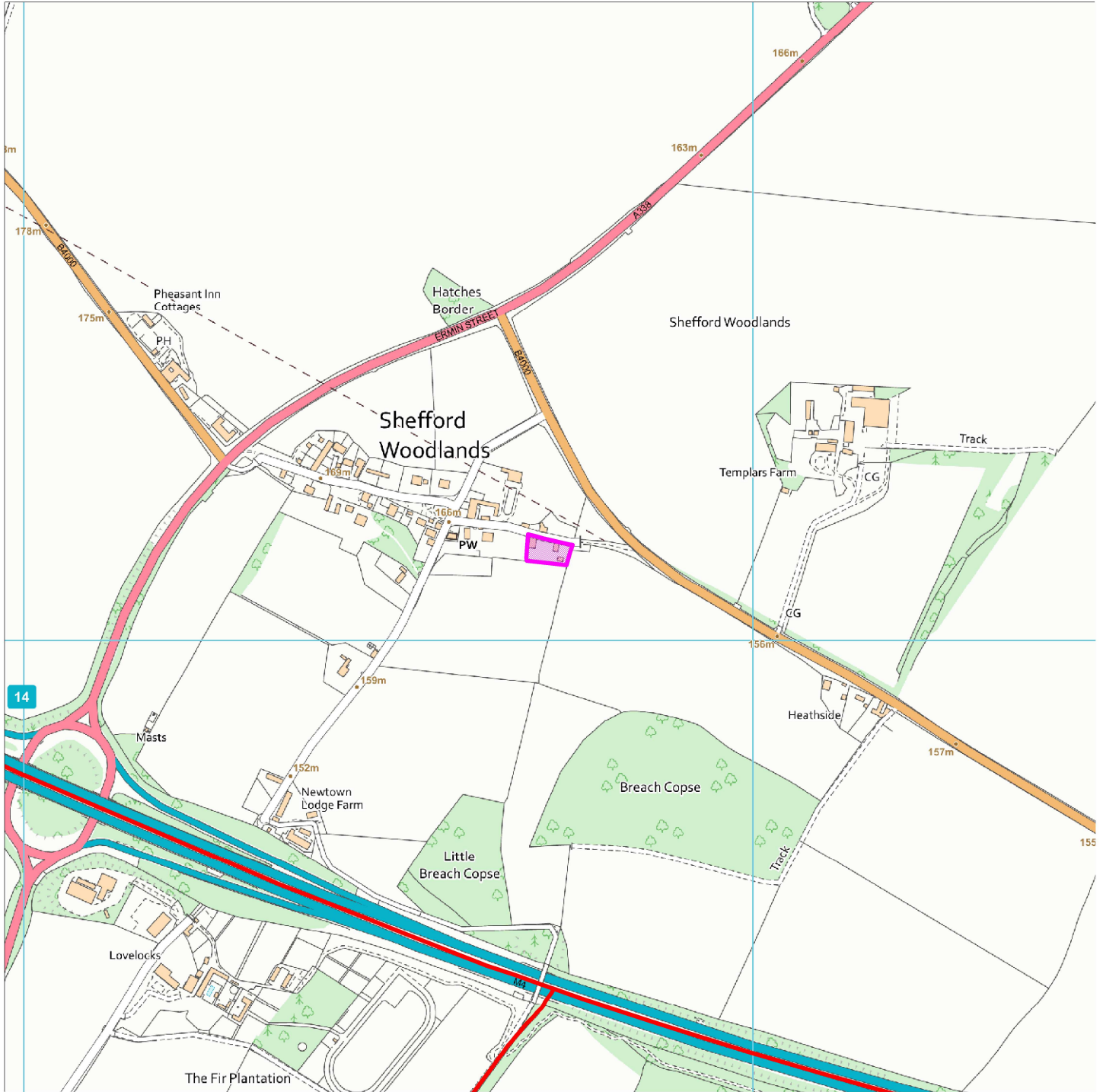
Refusal Reasons

1.	<p>Title</p> <p>Scale and impact</p> <p>The original dwelling was of a rectangular form, with the ground floor extending southwards by 4 metres. The dwelling was extended to the south and east between 2010 and 2015, forming a two-storey L-shape and a utility room was added to the rear of the ground floor in 2017. Despite these extensions, the original form of the dwelling can clearly be read in the form and design of the existing dwelling.</p> <p>The extensions proposed under this application do not achieve subservience as they would subsume the existing dwelling, fundamentally altering the form and scale. Furthermore, the dwelling and additional buildings within the curtilage have substantially increased since the original dwelling was built. It is therefore considered that the proposed works would further increase the visual prominence of the dwelling on the street scene, changing the nature of the existing character of the</p>
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street scene to an inappropriate degree and resulting in an overly conspicuous dwelling within its surroundings by comparison to its original modest form.

The application does not therefore achieve compliance with the NPPF, Policy C3 and C6 of the Housing Site Allocations DPD (2006-2026), Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), SPD Quality Design West Berkshire and SPG 04/2 House Extensions.

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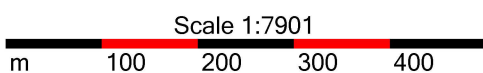
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	07 September 2023
SLA Number	0100024151



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