

# Notice of Meeting



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## Western Area Planning Committee Wednesday, 20 March 2024 at 6.30 pm in the Council Chamber Council Offices Market Street Newbury

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

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

If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on 19 March 2024 by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### Members Interests

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

Date of despatch of Agenda: Tuesday, 12 March 2024

### Further information for members of the public

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

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

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

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



**Agenda - Western Area Planning Committee to be held on Wednesday, 20 March 2024**  
(continued)

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

**Substitutes:** Councillors Carlyne Culver, Paul Dick, Billy Drummond, Denise Gaines and Stuart Gourley

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# Agenda

## Part I

Page No.

1. **Apologies for absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes**  
The Minutes from the previous meeting on 21 February 2024 are not yet available. They will be provided at the next meeting.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).

(1) **Application No. and Parish: 23/01916/HOUSE Cold Ash**

7 - 16

**Proposal:** Erection of a single timber shed to the western side of the property

**Location:** Birkdale, The Ridge, Cold Ash  
RG18 9HT

**Applicant:** Mr Martin Sutherland

**Recommendation:** That the Development Manager be authorised to APPROVE conditional permission.



**Agenda - Western Area Planning Committee to be held on Wednesday, 20 March 2024**  
(continued)

(2) **Application No. and Parish: 22/02754/OUTMAJ Newbury**

17 - 72

- Proposal:** Hybrid Planning Application:
- 1) Full planning permission for a food store with a floor area of 1800 square metres (Use Class E(a)) together with drainage, parking and associated access, infrastructure, and landscaping.
  - 2) Outline planning permission (matters to be considered: access) for up to 75 residential units (Use Class C3) high-capacity Electric Vehicle (EV) charging area, and residential care accommodation, containing up to 70 beds (Use Class C2), together with open space, play space, drainage, parking and associated access, infrastructure, landscape, bund on the eastern boundary with the A339, ancillary and site preparation works.
- Location:** Land East of Newbury College, Monks Lane, Newbury
- Applicant:** NCII Ltd
- Recommendation:** To **DELEGATE** to the **Development Manager** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions and the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms (Section 8 of the report).
- Or, if the Section 106 legal agreement or Unilateral Undertaking is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION.**

**Agenda - Western Area Planning Committee to be held on Wednesday, 20 March 2024**  
(continued)

(3) **Application No. and Parish: 23/02799/FUL Hamstead Marshall** 73 - 102

**Proposal:** Application for a temporary dwelling for a rural worker.

**Location:** Watery Lane Farm, Hamstead Marshall, Newbury, RG20 0JH

**Applicant:** Watery Lane Farm Ltd

**Recommendation:** To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to conditions.

5. **Exclusion of Press and Public**

RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. Rule 8.10.4 of the [Constitution](#) also refers.

## Part II

(1) **Application No. and Parish: 23/02799/FUL Hamstead Marshall** 103 - 116

**Proposal:** Application for a temporary dwelling for a rural worker.

**Location:** Watery Lane Farm, Hamstead Marshall, Newbury, RG20 0JH

**Applicant:** Watery Lane Farm Ltd

**Recommendation:** To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to conditions.

**Agenda - Western Area Planning Committee to be held on Wednesday, 20 March 2024**  
(continued)

**Background Papers**

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

*Sarah Clarke .*

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

If you require this information in a different format or translation, please contact  
Gordon Oliver on (01635) 519 486.



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

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(4.1)	23/01916/HOUSE Cold Ash	16.10.2023	Erection of a single timber shed to the western side of the property  Birkdale, The Ridge, Cold Ash  RG18 9HT  Mr Martin Sutherland

<sup>1</sup> Extension of time agreed with applicant until 28.03.2024

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01916/HOUSE>

**Recommendation Summary:** That the Development Manager of Development and Regulation be authorised to APPROVE conditional permission.

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

**Reason for Committee Determination:** The number of objections exceeds 10.

**Committee Site Visit:** 19 February 2024

## Contact Officer Details

**Name:** Helen Robertson  
**Job Title:** Assistant Planning Officer  
**Tel No:** 01635 519111  
**Email:** Helen.robertson@westberks.gov.uk

## **1. Introduction**

- 1.1 This application seeks planning permission for the erection of a single timber shed to the western side of the property.
- 1.2 The site is a new build dwelling, one of five substantial detached dwellings. Each of the dwellings has a slightly different design approach.
- 1.3 The application site occupies a prominent position on the southern side of The Ridge and is elevated to the countryside to the south where expansive views are available from the property.
- 1.4 Surrounding residential development comprises a ribbon of development, that extends along both sides of The Ridge. Dwellings vary in terms of their design and height, there is also a range of materials which includes brick, render and weather boarding.
- 1.5 The application site is identified as lying within the settlement boundary and was part of a larger site allocated for development under Policy HSA7 of the Housing Site Allocation Development Plan Document (HSADPD). Amongst other things, Policy HSA7 sought to ensure that development reflects the existing settlement pattern, with gaps to be provided in the built form to allow views of the open landscape to the south.
- 1.6 The planning approval removed permitted development rights for additions or buildings or enclosures incidental to the enjoyment of the dwellinghouses to protect the character of the area. This does not preclude such development from taking place but enables the LPA to assess and consider the impact of development proposals.
- 1.7 A public right of way (COLD/23/1) runs across the fields to the south of the site.
- 1.8 The proposed shed measures 2.43 metres by 3.04 metres and is 2.21 (max) metres in height and will be constructed from tongue and groove pressure treated timber with a felt roof covering.
- 1.9 It would be located in a tucked away position to the western side of the property which is currently used for storage.
- 1.10 The application originally proposed two sheds, one to each side of the property. During the course of the application amended plans were submitted at Officers request to remove the shed to the eastern side of the property which would have spread the built footprint to each side of the property

## **2. Planning History**

- 2.1 There is an extensive planning history relating to the development of the wider site however this is the first application in relation to the dwelling in question.

## **3. Procedural Matters**

- 3.1 Given the scale and nature of this householder development, it is not considered to 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 Site notice displayed on 31.08.2023; the deadline for representations expired on 21.09.2023.



- 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).
- 3.4 Pre-Commencement Condition: Agreed on 11.01.2024

## 4. Consultation

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

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

<b>Parish Council:</b>	<p>Objection – Unanimous</p> <ul style="list-style-type: none"> <li>- Not in keeping with neighbouring properties</li> <li>- Overdevelopment of site</li> <li>- Contradicts original development planning consent stating that any views between properties should not be obstructed with additional development.</li> <li>- The importance of gaps between the houses extends back to the West Berkshire Housing Site Allocations Development Plan Document (HAS DPD) published in September 2014, and the Landscape Capacity Assessment (LCA) of 2015. The site referred to as COL006 highlighted the importance of gaps in the built form to allow views through the development to the open landscape to the south. This is included below. This was reiterated throughout the planning process by ProVision on behalf of TA Fisher, the intonation being that the proposed plans and resultant houses recognised the importance of this and would conform to it.</li> <li>-The planning application for the successful Reserved Matters submission (19/00832/REM, approved by the planning inspector) is attached and includes reference to the HAS DPD and LCA (Section 5.9) and specifically states that the housing conforms to and incorporates substantial gaps in built form (Section 6.9 below).</li> </ul>
<b>WBC Highways:</b>	No objections
<b>Berkshire Newt Officer:</b>	No comments received

	<b>AMENDED PLANS:</b>
<b>Parish Council</b>	OBJECT - Councils view was that any structures between the houses on the new development that block the views from The Ridge will be in conflict with the planning approval. It was therefore agreed to object to the application.  Clerk to action in line with the wording on the previous objection. (as detailed above)
<b>WBC Highways:</b>	No objections
<b>Berkshire Newt Officer:</b>	No comments received

### ***Public representations***

4.3 Representations have been received from 11 contributors, none of which support, and 11 of which object to the proposal.

4.4 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:

- There is an unacceptable degree of urbanisation from the five houses already built, any further development should be resisted
- Overdevelopment and setting the precedent for further development of an already overdeveloped site
- Questioning the need for additional outbuildings. There is adequate storage space on the site in the existing garage
- Importance and principle of gaps between the houses (Reference to HASDPD and the Landscape Character Assessment)
- Importance of retaining the remaining views through the site
- Impact on AONB
- Design not in keeping
- In breach of the condition that removed permitted development rights
- Support for the Parish Council objection
- Impact on views from the footpath and Lawrences Lane
- Previous objections reiterated following the submission of amended plans
- Objections remain the same regardless of the number of sheds proposed

## **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 ADPP5, CS13, CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- HSA7 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies CAP1, CAP2, CAP3, CAP6, CAP10 of the Cold Ash Neighbourhood Development Plan (NDP) (Because the NDP has been successful at examination it now carries weight in the decision-making process)

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Cold Ash and Ashmore Green Village Design Statement (2002)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The impact on the character of the area
- The impact on neighbouring amenity
- The impact on protected species

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

6.2 The principle of development within the curtilage of an existing dwelling within the settlement boundary is in general accordance with the development plan. The acceptability of the proposal is subject to its design and specific impacts.

6.3 The site is within a risk zone for great crested newts.

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

6.4 In assessing the impact on the character and appearance of the area particular attention has been given to the sensitivities of the site in relation to the visual gaps provided between the properties which allow views of the open landscape to the south.

6.5 The design of the proposed shed is considered in keeping with a residential setting and will be constructed of appropriate materials.

6.6 An initial investigation into the fencing alongside the dwelling indicates that this may not have been constructed in accordance with the approved means of enclosure for the site. This matter will be referred to planning enforcement for further investigation should this be confirmed. However, in this respect the impact of the shed has been considered in isolation. The approved means of enclosure show a 1.8 metre fence in the same location as the proposed shed that would be approx. 40cm shorter than the tallest point of the proposed shed. It would, in your officers' view, be hard to justify that the additional 40 centimetres of shed above the approved fencing height, or indeed the proposed shed irrespective of the fencing, posed any significant obstruction or detrimental impact on the available views from the front of the site, being by its nature a small and modest building that is closely related to the host dwelling.

- 6.7 From Lawrences Lane and the footpath to the south limited direct views would be available of the proposal given that it would be tucked away to the western side of the property and given that the wall and fence above to the boundary of the neighbouring property are of a significant height. Given its scale it would also appear as a modest structure in relation to the scale of the property and the existing outbuilding on the site from these wider public viewpoints.
- 6.8 Furthermore an outline landscaping plan has been submitted to indicate that further screening will be undertaken in the rear garden adjacent to the proposal including some short hazel hurdles and additional planting. A condition is recommended that more detailed information of the landscaping be provided prior to commencement of the development.
- 6.9 Regarding the impact of the proposal upon the AONB (now known as the North Wessex Downs National Landscape). Whilst the site lies outside of the National Landscape, the statutory duty to conserve and enhance the area's natural beauty applies to proposals close to the designated area. Having considered the scale and impact of the proposal it is not considered to cause harm to the National Landscape.
- 6.10 Given the nature of the development it is not considered that dark skies will be affected.

### ***Neighbouring Amenity***

- 6.11 Given the scale, location and nature of the proposal and the significant boundary screening to the side boundary in the location of the proposal there is not considered to be any impacts on the amenities of current or future occupants of the adjacent property.

### ***The Impact on Protected Species***

- 6.12 The Berkshire Newt Officer has been consulted but has not commented on the proposal.
- 6.13 The site contains a recently landscaped residential rear garden. The area to the western side of the property consists of slate chippings.
- 6.14 An assessment of the scale, nature and location of this proposed shed has led us to conclude that a biodiversity appraisal is not required.
- 6.15 An Informative will be applied to remind the Applicant of the legal responsibility towards protected species.

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

- 7.1 The proposal has been carefully assessed to ensure that the proposal is appropriate in scale and design whilst taking into consideration the impact on the character and appearance of the area including whether the proposal affects the important visual gap between the properties.
- 7.2 For the reasons given above it is considered that the proposal does accord with the criteria of the National Planning Policy Framework and development plan policies and is therefore recommended for APPROVAL

## 8. Full Recommendation

- 8.1 To delegate to the Development Manager of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

### Conditions

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans listed below:</p> <p>Block Plan for Proposed Shed, Front and Rear Elevations for Proposed Shed, Side Elevations for Proposed Shed, Floor Plan for Proposed Shed, Additional Landscaping; received on 20.11.2023.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Materials as specified</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</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><b>Landscaping</b></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"><li>- schedules of plants noting species, plant sizes and proposed numbers/densities</li><li>- an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and plant establishment.</li></ul> <p>The scheme shall ensure;</p> <ol style="list-style-type: none"><li>a) Completion of the approved landscape scheme within the first planting season following completion of development.</li><li>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.</li></ol> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application.</p>

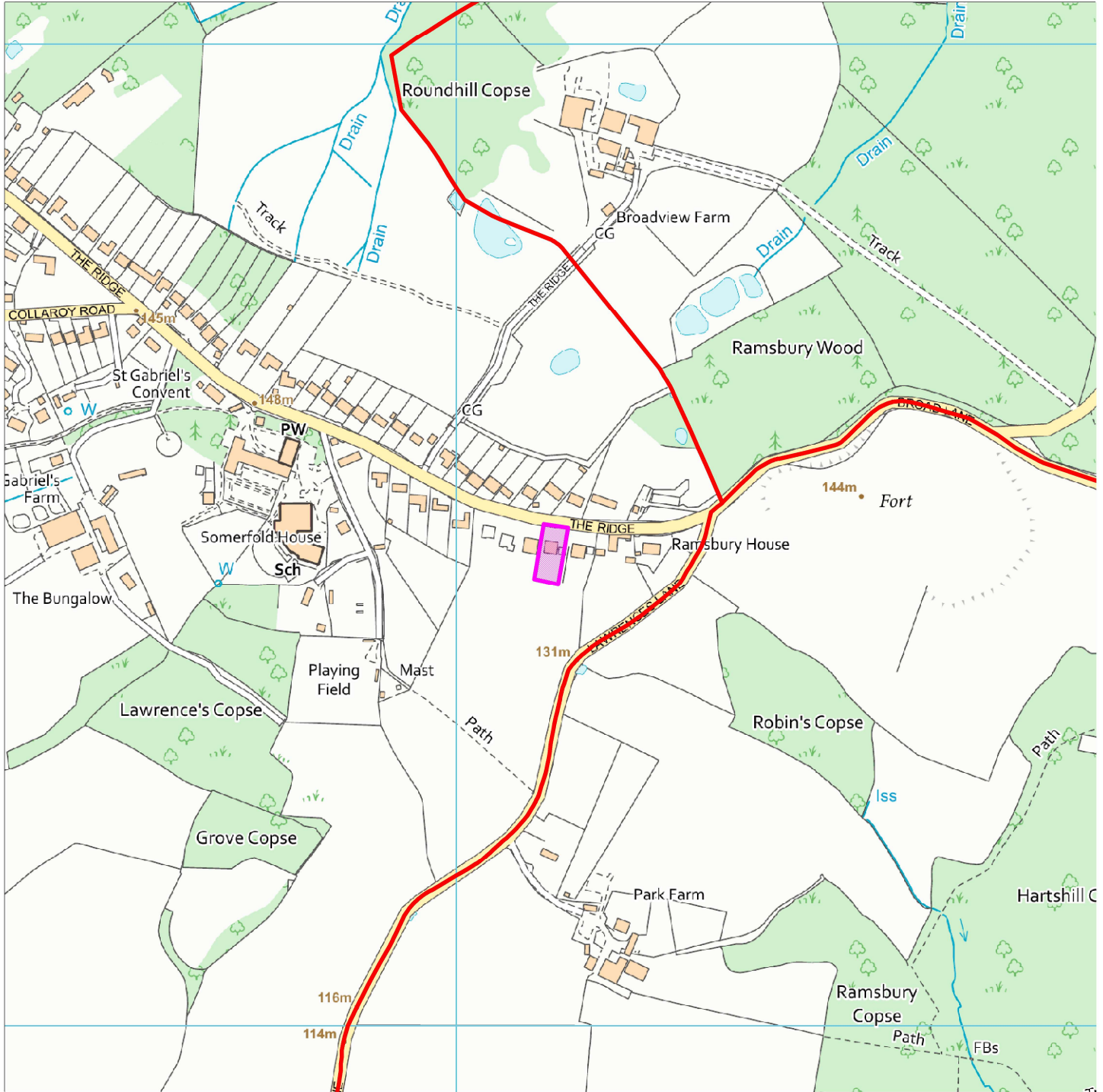
	Reason: Required to safeguard and enhance the character and amenity of the area. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.
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### **Informatives**

1.	This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2.	<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 <a href="http://www.gov.uk/guidance/wildlife-licences">www.gov.uk/guidance/wildlife-licences</a></p>
3.	<p>The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.</p>

# 23/01919/HOUSE

Birkdale, The Ridge, Cold Ash RG18 9HT



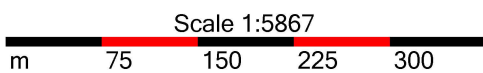
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	12 March 2024
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(4.2)	22/02754/OUTMAJ Newbury	8 February 2023 <sup>1</sup>	<p>Hybrid Planning Application:</p> <p>1) Full planning permission for a food store with a floor area of 1800 square metres (Use Class E(a)) together with drainage, parking and associated access, infrastructure, and landscaping.</p> <p>2) Outline planning permission (matters to be considered: access) for up to 75 residential units (Use Class C3) high-capacity Electric Vehicle (EV) charging area, and residential care accommodation, containing up to 70 beds (Use Class C2), together with open space, play space, drainage, parking and associated access, infrastructure, landscape, bund on the eastern boundary with the A339, ancillary and site preparation works.</p> <p>Land East of Newbury College, Monks Lane, Newbury.</p> <p>NCII Ltd</p>
<p><sup>1</sup> Extension of time agreed with applicant until 05<sup>th</sup> April 2024</p>			

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/02754/OUTMAJ>

**Recommendation Summary:** To **DELEGATE** to the **Development Manager** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions and the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms (Section 8 of the report).

**Or**, if the Section 106 legal agreement or Unilateral Undertaking is not completed, to delegate to the **Development Manager** to **REFUSE PLANNING PERMISSION**.

**Ward Member(s):** Councillor Adrian Abbs  
Councillor David Marsh  
Councillor Patrick Clark

**Reason for Committee Determination:** Call in by Ward Member.

**Committee Site Visit:** 18 March 2024

**Contact Officer Details**

<b>Name:</b>	Masie Masiwa
<b>Job Title:</b>	Senior Planning Officer
<b>Tel No:</b>	01635 519111
<b>Email:</b>	<a href="mailto:Masie.Masiwa@westberks.gov.uk">Masie.Masiwa@westberks.gov.uk</a>

## 1. Introduction

- 1.1 The planning application is a resubmission of application 21/03194/OUTMAJ, which was appealed against non-determination with the Local Planning Authority recommending refusal. The appellant withdrew the appeal before it was determined by the Planning Inspectorate.
- 1.2 **Proposal summary** – The proposal relates to a hybrid planning application comprising the following components:
- Outline planning permission - for up to 75 residential units (Use Class C3); high-capacity Electric Vehicle (EV) charging area and residential care accommodation, containing up to 70 beds (Use Class C2), together with open space, play space, drainage, parking and associated access, infrastructure, landscape, bund on the eastern boundary with the A339, ancillary and site preparation works. (Access only is under consideration with all matters reserved). Matters for consideration at Reserved Matters – Layout, Appearance, Scale and Landscaping.
  - Full planning application for a food store with a floor area of 1800 square metres (Use Class E (a)) together with drainage, parking and associated access, infrastructure, and landscaping.

### ***Residential development***

- 1.3 The residential developable area of this mixed-use scheme is approximately 1.6 hectares of the site. The proposal has been the subject of amended plans, and it is outlined that the resultant amended density would be approximately 47 dwellings per hectare (dph). The residential units are set out with a mix of dwelling sizes and tenures and will incorporate a mixture of flats and houses. The submitted access layout plan indicates that the proposed units are laid out in a grid pattern with a mixture of scale, and size.
- 1.4 The layout, appearance, scale, and landscaping will be further assessed at Reserved Matters.
- 1.5 The amended layout plan is illustrative and indicates that three blocks of flats will be proposed and located to the south of the site. The southeastern block of flats forms a gateway into the public open space with a footpath access at ground level through the flats into the public open space. The southeastern block of flats will overlook the proposed public open space and LEAP.
- 1.6 A submitted Illustrative Schedule of Accommodation indicates the following:

#### *Flats*

- 1 bed flats = 30 units (40%)
- 2 bed flats = 12 units (16%)

#### *Houses*

- 2 bed houses = 3 units (4%)
- 3 bed houses = 18 units (24%)
- 4 bed houses = 12 units (16%)

### ***Proposed Food store***

- 1.7 The commercial element of the proposed mixed-use development comprises of the full planning application component of this hybrid' planning application. The proposal comprises of the construction of a new Aldi discount food store (Class Ea), with a gross internal floor area of 1,800 square metres, including a net sales floor area of 1,315 square metres.
- 1.8 The proposed store will be single storey. The external facing materials will consist of mainly Kingspan KS1000MR Anthracite Grey Cladding RAL 7016 and Kingspan KS1000MR Metallic Silver Cladding RAL 9006. A proposed brick plinth is set out as Blockleys Brick Ltd Smooth Black with tarmac Y14 (Black) Coloured Mortar. The proposed windows will be Polyester powder coated Aluminium (RAL; 7016), Fascias are proposed as powder coated Aluminium (RAL; 7016).
- 1.9 The food store development will also provide 128 car parking spaces, including 8No parent and child spaces, 5No blue badge holder spaces, 2No click and collect spaces and 4No electric vehicle charging spaces with provision for further spaces in the future. There will also be additional electric vehicle charging points to the north of the food store development, and this is proposed within a high-capacity electric vehicle charging area (this element is part of the outline application).
- 1.10 As indicated above, the proposed food store will be operated by Aldi Stores. The proposed operating hours are:
- 08:00 to 22:00 hours on Mondays to Saturdays and on Bank Holidays,
  - 10:00 to 18:00 hours on Sundays.

### ***Care Home and Hospice***

- 1.11 The proposed care accommodation (Use Class C2) comprises a proposed built care home and hospice footprint on a site area of approximately 0.65 Hectares.
- 1.12 The proposed outline development will incorporate the construction of a 70-bed care home with approximately 31 parking spaces. The care accommodation proposal also includes the construction of a 20-bed hospice, with 7 parking spaces provided.
- 1.13 It is submitted that Feltham Properties will build out the residential element of the scheme and the Aldi food store up to shell stage. It is added that Aldi will then take on their part of the site for completion and fit out to their individual specification.
- 1.14 It is also submitted in the documents that the residential care accommodation construction will be undertaken by other developers yet to be confirmed at the time of the planning application.

### ***The Site and Site Access***

- 1.15 The site is located to the east of Newbury College and adjacent to the A339 road. The vehicular accesses to the development site will utilise the existing access to Newbury College, which forms a roundabout junction with Monks Lane and Newtown Road to the north of the site. Newtown Road is also a single carriageway road with 30 miles per hour speed limit and links south Newbury to central Newbury.
- 1.16 Immediately east of the Newbury College roundabout access junction, Monks Lane forms a roundabout junction with the A339 Newtown Road and Pinchington Lane. The A339 is subject to a 50 miles per hour speed limit and provides a link north through Newbury to the major A34 and M4 routes.

- 1.17 To the south, the A339 provides a route to Basingstoke, with the A34 also accessed via the B4640 to the Tot Hill junction. The A34 provides a strategic link towards the M4 and M40 to the north and south towards the M3.
- 1.18 To the east, Pinchington Lane is a single carriageway road with 30 miles per hour speed limit and provides access to Newbury Retail Park and Greenham.
- 1.19 The pedestrian access off the A339 will be moved to the south to provide an access point into the proposed Public Open Space. The footpath access will link into the existing pavement network and provide access to the bus stop along the A339. The current site is now considered open with no boundary along the A339 on the eastern boundary along the southeastern section of the site.
- 1.20 A new access is proposed on the southern boundary off Highwood Copse Road and this will service the proposed care home and hospice development. Each proposed new access will comprise of a new vehicular access via a priority-controlled junction with 2.4 x 43.0 metre visibility splays.
- 1.21 There is also a bus stop located on the Newbury College campus, approximately 100 metres west of the application site measured from the indicative location of the northern residential access road. The bus stop is provided with seating, shelter, and timetable information.
- 1.22 The site is located within Flood Zone 1.
- 1.23 A group Tree Preservation Order No: 201/21/1068 - W2 – TREE is designated to the north, northeastern and eastern boundaries of the site.
- 1.24 The full amended supporting plans and technical reports can be found on the council's website using the above link.

## 2. Planning History

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

Application	Proposal	Decision / Date
21/03194/OUTMAJ	Hybrid application for 1) Full planning permission for a food store with a floor area of 1800 sq. m (Use Class E(a)) together with drainage, parking and associated access, infrastructure, and landscaping. 2) Outline planning permission (matters to be considered: access) for up to 85 residential units (Use Class C3), high-capacity Electric Vehicle (EV) charging area, residential care home (Use Class C2) containing up to 70 beds, and a hospice (Use Class C2), together with open space, play space, drainage, parking and associated access, infrastructure, landscape, ancillary and site preparation works. Matters to be considered: Access	Appealed against non-determination –  Appeal withdrawn by the appellant.

02/00731/RELAX	Relaxation of Condition No.11. of Application No.155227 relating to working hours during construction.	Approved / 30 November 2000
99/55227/ADD	The provision of an Educational College including a Nursery/Creche and Residential Conference Training Centre	Approved / 16 April 2002
95/46286/OUT	New college	Approved / 08 April 1998

### 3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. An EIA screening exercise has been completed. The proposed development does not exceed the threshold in column 2 of Schedule 2 (number of dwellings and the site area does not exceed 5 hectares). It is therefore concluded that an EIA statement is not required in terms of the EIA Regulations.
- 3.2 An EIA Screening Opinion was issued by the Local Planning Authority on 05<sup>th</sup> November 2021 under reference 21/02602/SCREEN.
- 3.3 A site notice was displayed on 15<sup>th</sup> November 2022 and the deadline for representations expired on 06<sup>th</sup> December 2022. A notice was published in the Newbury Weekly on 17<sup>th</sup> November 2022.
- 3.4 The development has been amended on numerous occasions. The main amendment plans, and additional supporting information packages were received in June and August 2023 in response to officer-level feedback. According to the Planning Practice Guidance, where an application has been amended it is up to the Local Planning Authority to decide whether further publicity and consultation is necessary, taking into account a number of considerations including previous objections, and the significance of the changes. These amendments have been to address specific technical concerns raised by consultees, the amendments have been made publicly available via the Councils planning website. Given that these amendments have been in response to technical issues and altered the originally proposed scheme, it has been necessary for amended plans site notices to be displayed. An amended plans site notice was displayed on 22 June 2023 and the deadline for representations expired on 18 July 2023. Further minor amendments were made after this date, however these amendments did not warrant the display of additional site notices.
- 3.5 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.
- 3.6 The development is CIL liable and chargeable as residential and retail development.
- 3.7 More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Greenham Parish Council</b>	Support.
<b>Newbury Town Council</b>	No objection
<b>Basingstoke and Deane Borough Council (Adjacent District Council)</b>	No objection
<b>Burghclere Parish Council. (Adjacent Basingstoke and Deane Parish Council)</b>	<p>Concerns raised.</p> <ul style="list-style-type: none"> <li>• the increase in traffic on the B4640</li> <li>• development will likely occur alongside Sandleford's and the traffic implications of both for the B4640 need to be considered holistically.</li> <li>• surveys should be carried out together with Hampshire Highways to understand the increase and flows involved and the implications for residents in Newtown and Burghclere living along this road.</li> <li>• many residents of this parish (and other neighbouring parishes in Hampshire) use the A339 approach to Newbury - we raise concerns about its capacity and the traffic intersections at Monks Lane/Newtown Road (Newbury College (NC) roundabout) and the A339/Pinchington Lane (Tesco Roundabout).</li> <li>• fundamentally disagree that there would be no 'significant impact'. Already there are long tailbacks South from the Tesco Roundabout on the A339 on a regular basis due to increased traffic and traffic works within Newbury itself.</li> <li>• tailbacks occur at this point at peak hours.</li> <li>• Request that these concerns are noted and that more work on the implications for North Hampshire are actioned.</li> </ul>
<b>Newtown Parish Council. (Adjacent Basingstoke and Deane Parish Council)</b>	<p>Concerns raised.</p> <ul style="list-style-type: none"> <li>• the increase in traffic on the B4640</li> <li>• development will likely occur alongside Sandleford's and the traffic implications of both for the B4640 need to be considered holistically.</li> <li>• surveys should be carried out together with Hampshire Highways to understand the increase and flows involved and the implications for residents in Newtown and Burghclere living along this road.</li> <li>• many residents of this parish (and other neighbouring parishes in Hampshire) use the A339 approach to Newbury</li> </ul>

	<p>- we raise concerns about its capacity and the traffic intersections at Monks Lane/Newtown Road (Newbury College (NC) roundabout) and the A339/Pinchington Lane (Tesco Roundabout).</p> <ul style="list-style-type: none"> <li>• fundamentally disagree that there would be no 'significant impact'. Already there are long tailbacks South from the Tesco Roundabout on the A339 on a regular basis due to increased traffic and traffic works within Newbury itself.</li> <li>• tailbacks occur at this point at peak hours.</li> <li>• Request that these concerns are noted and that more work on the implications for North Hampshire are actioned.</li> </ul>
<b>WBC Highways</b>	No objection
<b>WBC Waste Management</b>	No comments received
<b>WBC Local Lead Flood Authority</b>	No objection, subject to condition
<b>WBC Education Services</b>	No objection
<b>WBC Ecology</b>	No objection, subject to condition.
<b>WBC Housing</b>	No objection
<b>WBC Trees</b>	No objection subject to conditions
<b>WBC Archaeology</b>	No objection
<b>WBC Minerals and Waste</b>	No objection
<b>WBC Transport Policy</b>	No comments received
<b>WBC Environmental Health</b>	No comments received
<b>WBC Economic Development</b>	No objection
<b>WBC Adult Social Care</b>	No objection
<b>Berkshire West NHS Integrated Care Board</b>	No objection
<b>Environment Agency</b>	No comments response received



<b>Berkshire Newt Officer</b>	No objection
<b>Thames Water</b>	No objection subject to condition
<b>Forestry Commission</b>	Comments received
<b>Woodlands Trust</b>	No objection

### ***Public representations***

4.2 Representations have been received from 9 contributors (some with repeat submissions):

- 8 objectors
- 1 supporter.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. Objection submissions have been received on behalf of Tesco Stores and on behalf of Bloor Homes and the Sandford Farm Partnership. The supporting submission has been received on behalf of Newbury College. In summary, the following issues/points have been raised:

#### *Objection comments:*

- Significant Increase in traffic on already overloaded and congested local roads, Monks Lane, A339 and the Andover Road.
- Increase in traffic will make the area more hazardous for pedestrians, namely school children.
- Schools, care homes, Industrial and commercial premises will bring HGV lorries.
- Wildlife will lose natural habitat displacing them into ever decreasing areas.
- South of Newbury already has a number of established food stores.
- Area already has a residential care home.
- Area already has outline approval for up to 1000 residential units.
- Overall proposal is too big for the limited parcel of land available.
- Existing infrastructure will not support proposal.
- Area has M&S Food, Lidl and a Tesco superstore all within 400m of each other.
- Inadequacies in the retail sequential assessment
- Failure to consider the Sandford Strategic Site
- Inadequate assessment of impact on the vitality and viability of existing centres.
- Potential impact on committed and planned investment in the catchment area.
- Model data shows a possibility that traffic queues up to and over 1km long could form at this location, which would have an unacceptable impact on the traffic management proposals of the Sandford Park East site.

#### *Support comments:*

- Newbury College is the current owner of the land on which the development is proposed and intends to complete the planned sale to NCII Ltd once planning consent is confirmed.
- Newbury College concluded that the area of land is surplus to need.

- Since Newbury College moved to its present location in 2002, they have developed and expanded provision to meet the needs of the community and local economy.

## 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, ADDP2, CS1, CS4, CS5, CS6, CS9, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2018)
- Planning Obligations SPD (2015)
- Conservation of Habitats and Species Regulations 2017
- West Berkshire CIL Charging Schedule
- Manual for Streets
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014
- Newbury Town Design Statement.

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Affordable housing
- Design, function, character and appearance of the area.
- Public open space
- Impact on neighbouring amenity and quality
- Residential Amenity of future occupiers
- Highways matters
- Flood risk and Sustainable Drainage
- Social, Water Supply and Wastewater Infrastructure
- Employment and the Economy
- Sustainable construction

- Biodiversity
- Trees and Landscaping
- Other Matters
- Planning Balance and Conclusion

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

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

### ***Residential Development***

- 6.3 The statutory development plan provides an up-to-date framework for determining applications for housing development in West Berkshire and so attracts substantial weight in the decision-making process. The housing supply policies which are relevant to this application are: Policies ADPP1, ADPP2 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies GS1 and C1 of the Housing Site Allocations DPD 2006-2026 (HSA DPD).
- 6.4 Policies ADPP1 and ADPP2 comprise the spatial strategy for the district. New homes will be in accordance with the settlement hierarchy (ADPP1) and area delivery plan policies (ADPP2).
- 6.5 According to Core Strategy Policy ADPP1, the scale and density of development will be related to the site's current or proposed accessibility, character, and surroundings. Significant intensification of residential (and other uses) will be avoided within areas which lack sufficient supporting infrastructure, facilities, or services or where opportunities to access them by public transport, cycling and walking are limited.
- 6.6 Policy ADPP2 indicates Newbury will accommodate new housing development contributing to its role and function as the largest urban area in West Berkshire. The policy goes on to say, other development will come forward through the implementation of existing commitments together with infill development and the allocation of smaller extensions to the urban area in the Site Allocations and Delivery DPD.
- 6.7 According to Policy CS1, new homes will be located in accordance with the settlement hierarchy outlined in the Spatial Strategy and Area Delivery Plan Policies. New homes will be primarily development on (amongst others) land allocated for residential development in subsequent development plan documents.
- 6.8 According to Policy HSA DPD Policy C1, there is a presumption in favour of development and redevelopment of land within the settlement boundary of Newbury amongst other settlements. The proposed residential element is considered acceptable.

### ***Care Home and Hospice***

- 6.9 The settlement boundary includes the majority of the application site but excludes part of the southern part of the site which includes the proposed care home and hospice area. The care home and hospice elements of the proposal are therefore located outside but adjacent to the settlement boundary.

- 6.10 Policy ADPP1 outlines that development will be within or adjacent to the settlements included in the settlement hierarchy and that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.11 Officers have consulted the Council's Adult Social Care Service (ASCS). The ASCS have stated that the area of greatest need is for affordable care home beds for people with dementia, especially those with challenging behaviour. ASCS and Berkshire West NHS Integrated Care Board were initially concerned that whilst there was a need for special care accommodation due to an ageing population, the real issue for care facilities in the district was difficulties in recruitment and the retention of staff.
- 6.12 A care home assessment statement has been submitted. The report states that the proposed operators in Halebourne and The Caring Homes Group are engaged in dementia care, and it is their intention that the new care home will be a care home with dementia unit, with beds allocated to special needs and beds dedicated to other more chronic conditions. The applicant's healthcare consultant stated that their demographic profiling indicates that there are approximately 17,411 residents aged 65 years and over living in the 7.5 km catchment, with a high density of residents aged over 75 years old living within the immediate 2.5km area around Newbury and towards the southeast of the site in areas such as Headley and Crookham. It is submitted that of the 12 existing homes within the catchment, only 7 are considered to be future fit by having 80% en-suite provision to cater for modern provision. There are five converted homes and a number of older style purpose built homes. The new facility will add more modern care home provision.
- 6.13 The applicant submitted that they anticipate a growth of residents aged 65 years and over by 22.8% over the next 10 years, with a current demand for 584 beds, forecast to grow to 672 beds by 2027 and 805 beds by 2032.
- 6.14 The West Berkshire Strategic Housing Market Assessment (2016) indicates a net need for 3,462 bedspaces for older persons in registered care provision across the study area over the 2013-2036 period, this is equivalent to provision of approximately 151 per annum.
- 6.15 Following the submission of an additional statement by Halebourne and The Caring Homes Group, the Council's ASCS were satisfied with the proposed staffing approach. The Council's ASCS raise no objection following the submission of additional information by the applicant as outlined above. Officers consider that the future demand for care facilities and an ageing population indicates that the district has to plan for more modern purpose-built care facilities. The proposed development will add to this provision.
- 6.16 For these reasons, the care home and hospice elements of this hybrid application is considered acceptable in principle subject to the detailed material considerations set out below and considerations reserved as part of the reserved matters.

### ***Food Store***

- 6.17 The NPPF seeks to ensure the continuing vitality of town centres, and a sequential test is required for any planning application for main town centre uses in locations located outside town centres.
- 6.18 The NPPF "sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans can

provide for sufficient housing and other development in a sustainable manner.” (paragraph 1).

- 6.19 The NPPF indicates that ‘main town centre’ uses, as defined in the glossary, should be located in town centres, supporting the role that town centres play at the heart of local communities, taking a positive approach to growth, management and adaptation. The NPPF recognises that residential development can play an important role in ensuring the vitality of centres.
- 6.20 Paragraph 91 states that “Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”
- 6.21 Paragraph 94 of the NPPF outlines that for retail and leisure development outside of town centre, not in accordance with an up-to-date plan, to require an impact assessment if the development is over a proportionate, locally set threshold (or 2,500 square metres if there is no set threshold).
- 6.22 The supporting text to policy CS11 at para 5.69 outlines that town centre uses should first be directed towards the town centre in the first instance, then edge of centres (within 300 metres) and then out of centre. The proposed food store site is located on the urban edge of Newbury and is not allocated within the development plan for the proposed food store use. The applicant has submitted a Retail Assessment which provides a sequential assessment of potential retail sites within the Newbury to Thatcham area. In addition, Officers requested that the sequential test also takes into consideration any potential impacts on the Sandlford Local Centre. Following this officer feedback, an amended Retail Assessment was submitted which concluded that no suitable brownfield site is available to accommodate the food store and site area as proposed in the planning application. Officers are satisfied that the sequential test is met in this proposal such that no retail reason for refusal is justified on this basis.
- 6.23 The likely significant impact will be on the nearby Tesco Superstore and Lidl within the Newbury Retail Park. The NPPF states that local planning authorities may only request an impact assessment if an application is in excess of 2500 square metres, unless a threshold is specified within the Development Plan. The Council has no such local threshold, as such the NPPF threshold applies indicating that an impact assessment is not required. Notwithstanding, the applicant has submitted an impact assessment which has concluded that there is a need for Aldi to have appropriate nearby customer car parking which is a crucial part of the discount food stores model and it is key to their commercial success. The applicant’s retail assessment adopted 620 square metres (gross) and 109 car parking spaces as the threshold that sequentially tested potential sites must be capable of accommodating the food store. This represents a circa 10% reduction in terms of floorspace and a circa 15% reduction in car parking provision proposed in the application.
- 6.24 An objection has been received from Tesco. The Tesco objection outlines that the submitted sequential assessment fails to consider the former Debenhams store and the redevelopment of the Kennet Centre. In the case of Debenhams, it is noted that this building is the subject of a recent planning permission by the operator of Parkway for repurposing the building for use by Primark. A current application, still under consideration, proposes redevelopment of the Kennet Centre for residential and commercial uses, and these are the uses currently being promoted by the landowner for the site. The Tesco objection also argues that the applicant could have considered sites identified in the Town Centre Masterplan, smaller scale store formats and sites

within the Newbury Retail Park. However, these arguments are not supported by officers, and the sequential testing methodology use is considered sound and satisfactory for a retail proposal of this scale, while also clearly focused on the availability of sufficient and compatible land for the works proposed.

- 6.25 Retail impact is also an important material consideration to ensure there are no adverse impacts on existing town centre retail uses from the introduction of a new store. This assessment also includes consideration of future vitality and ability to attract future investment to the town centres. In this specific instance the immediate catchment of the proposed store will be largely from south Newbury and the committed new residential developments within the immediate area, including Sandleford East and West, Pinchington Lane and Land north of Nursery at Newbury College.
- 6.26 Tesco's objection submission outlines that the redevelopment of the Kennet Centre identifies the decline of the centre being partly due to increase in out of centre retail floorspace. In this regard it is noted that Tesco itself runs two out of centre superstores at the Newbury Retail Park and in north Newbury along London Road. Officers have applied a comparison between the proposed Aldi development as submitted and the available sites within the town centre.
- 6.27 The applicant has conducted their sequential test based on parameters of floorspace and car parking thresholds. Several specific sites have been identified and reviewed as part of the sequential assessment, which are outlined below:
- Former Debenhams, Parkway Shopping Centre, Newbury
  - The Kennet Centre, Market Street, Newbury
  - Vacant Builders Merchants, Pound Street, Newbury
  - Unit 9A, Newbury Retail Park, Newbury
  - Unit 5, Newbury Retail Park, Newbury
  - Unit 1A, Newbury Retail Park, Newbury
  - Vacant Car Dealership, Pinchington Lane, Newbury
- 6.28 The applicant's retail assessment concludes that the majority of the sites are not suitable to accommodate the broad type and size of development proposed. Officers agree with this conclusion. In addition, the assessed sites above have significant constraints relating to land ownership, access, and surrounding uses that render the proposal on these sites undeliverable and unacceptable including the site layouts and configurations that would make it difficult to accommodate the proposed food store development.
- 6.29 At the request of Officers, the applicant has also assessed Sandleford Local Centre as a potential retail site. The applicant acknowledges that the Core Strategy envisages the Local Centre to deliver day-to-day shopping requirements, with the creation of a sustainable community. Officers agree with the applicant that the Sandleford Local Centre proposes a different low-level retail use and that the level of retail floorspace is intended to serve the local population of Sandleford Park rather than becoming a destination in its own right. This is more along the examples of a Tesco Express, Sainsbury Local or a Newsagent. Officers therefore consider that the discount store would offer a different grocery service to the Sandleford Local Centre. Given the site area required for the Aldi store, officers also accept that the store as proposed could not practically be located anywhere within the town centre. There are numerous discount stores located in Newbury, there is an Aldi store to the north of Newbury along London Road and a Lidl store within the adjacent Newbury Retail Park and on London Road.
- 6.30 The applicant has considered London Road Industrial Estate, for which the only unit that is vacant is the former Lidl premises, which is situated adjacent to the Topps Tiles unit. The unit is approximately 1,014 square metres and shares the limited car parking with Topps Tiles and Pets at Home. This does highlight the parking and space requirements

for the proposed food store. The applicant also acknowledged that should the area to the west or east of Faraday Road be redeveloped, this could possibly provide sufficient land for the proposed discount food store development, this would require all the existing tenants to find alternative premises and vacate. Although the applicant has reviewed sites in the Thatcham area, Officers agree with the applicant that locating the proposed Aldi store to the east of Thatcham would not serve the envisaged catchment as currently proposed.

- 6.31 Officers consider that the addition of an Aldi discount food store will improve the store's investment in the district, provide an additional discount store service to the south of Newbury catchment, increase its market share in the area, creating employment and improve competition to the benefit of residents. These are retail benefits of substantial weight.
- 6.32 Accordingly, given the identified benefits, the amended retail assessment justifies the proposed food store with the benefits outweighing any negative impacts in the planning balance. As such the principle of the food store is acceptable.

### ***Affordable Housing***

- 6.33 Policy CS6 of the WBCS is concerned with the provision of affordable housing. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development.
- 6.34 The Council's SPD states the affordable housing should consist of 70% social rent and 30% intermediate housing options such as shared ownership, however it is also now National Policy for First Homes to contribute 25% of all Affordable Housing with Local Authorities able to retain their original policy compliant level of social rent. West Berkshire Council now require 70% Social rent, 25% First Homes and 5% Shared Ownership.
- 6.35 The Council will seek 40% affordable housing on this site, which will equate to 31 total affordable housing dwellings and the tenure mix expected would be:
- 21 Social Rent,
  - 8 First Homes (rounded off)
  - 2 Shared Ownership (rounded off).
- 6.36 The Housing Development Officer indicated that such a mix would accord with the requirements of the Core Strategy Policy CS6.
- 6.37 To create sustainable, inclusive and mixed communities affordable housing on new developments should be fully integrated into, and indistinguishable from, the general market housing, the Council expects affordable housing to be pepper-potted throughout the development. The supporting illustrative plans demonstrate that affordable housing can be efficiently pepper potted across the development site to ensure it is integrated properly with the development. The development is approximately split 50/50 between houses and flats and it will be expected that the affordable housing is split in the same ratio as the market homes between the houses and flats to ensure the affordable homes are fully integrated. Officers recommend that the final tenure mix can be confirmed at Reserve Matters when the layout is finalised and the tenure mix at Reserved Matters can be secured by a legal agreement.

- 6.38 The Council recommend that all affordable housing dwellings should be developed to Building Regulations M4 (2), broadly equivalent to the old Lifetime Homes Standards, and conform to the latest Design and Quality Standards published by Homes England, to ensure that they are readily accessible and adaptable for those with additional needs. Based on the local Housing needs update, the Housing Officer has also requested that a proportion of the homes to be developed to M4 (3), either houses or ground floor flats in this instance.
- 6.39 The Council will assess all affordable housing development proposals against the Nationally Described Space Standards (updated March 2015). To ensure dwellings are suitable for future occupants, this has been secured by a recommended condition and all bedrooms should provide a minimum of 2 bed spaces as follows:
- 2-bedroom unit = should provide a minimum of 4 bed spaces
  - 3-bedroom unit = should provide a minimum of 6 bed spaces
  - 4-bedroom unit = should provide a minimum of 8 bed spaces
- 6.40 For these reasons, a policy-compliant level of affordable housing provision is proposed in accordance with the requirements of policy CS6 and the Planning Obligations SPD subject to conditions and the completion of a section106 legal agreement.

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

#### ***Functional Design***

- 6.41 According to Core Strategy Policy CS14, good design relates not only to the appearance of a development, but the way in which it functions. According to the NPPF, planning decisions should ensure that developments (amongst others):
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
  - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
  - optimise the potential of the site to accommodate and sustain and appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
  - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.42 Part 1 of the Quality Design SPD provides key urban design principles to ensure that a development functions well in line with the development plan and consistent with the NPPF. Part 2 provides urban design principles specific to residential development.

#### ***Housing Type and Mix***

- 6.43 Core Strategy Policy CS4 states that residential development will be expected to contribute to the delivery of an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. The mix on an individual site should have regard to:
- The character of the surrounding area.



- The accessibility of the location and availability of existing and proposed local services, facilities and infrastructure.
  - The evidence of housing need and demand from Housing Market Assessments and other relevant evidence sources.
- 6.44 Development proposals will be expected to demonstrate how these matters have been addressed within the proposed dwelling mix.
- 6.45 The site is located within a location forming part of the southern gateway into Newbury along the A339, as such the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any, from the proposed development.
- 6.46 In respect of the outline element, whilst the detailed design considerations are for determination at the later stage, the resultant amended density would be approximately 47 dwellings per hectare (dph) with the indicative layout ensuring the need to make efficient use of land but at the same time respecting the settlement edge location and the surrounding pattern of development.
- 6.47 The proposed dwellings, food store, care home and hospice have been designed such that their layout, size and scale does not appear out of context in relation to the adjacent properties to the north, east and west or within the settlement. The height of the dwellings is in keeping with the height of the Newbury College to the west and Premier Inn Hotel to the east. The illustrative layout is submitted to show how the layout could be achieved at Reserved Matters. The illustrative proposed gaps between buildings and plot sizes are considered to be in keeping with the local area, access through the site is created and allows sufficient vehicular and pedestrian connectivity value within and through the site.
- 6.48 It is considered that the public and private spaces of the development can be clearly distinguished with private gardens well enclosed to the rear of the properties and terraces designed into the proposed buildings.
- 6.49 The proposed hospice is set at a building height of up to 10 metres above ground and the care home is up to 12 metres above ground. This proposes maximum general heights of the units of around 131.5m AOD with occasional spot heights of up to 133.9m AOD. This is similar to and in many cases lower than existing surrounding development. In comparison, the existing College buildings are up to 131.22m AOD. The permitted college building is up to 133.9m AOD. The Two Watermills pub is up to 132.65m AOD. The existing Tesco Extra store to the east is higher with spot heights up to 139.3m AOD and with general heights of between 132.2m and 133.1m AOD. The Jago Court residential development to the north is up to approximately 134.1m AOD and The Steele Court development is up to approximately 133.4m AOD.
- 6.50 Whilst the scale of the development is a Reserved Matter, the height of the buildings for the residential elements is outlined on the proposed Parameter Plan to be approved at this outline stage. As such Members are advised to consider the proposed height of buildings at up to 9.5 metres above ground level, with some heights of up to 12 metres above existing ground level. The application is submitted with supporting cross sections which outlines the proposed building heights in the context of the existing built form, including the height of the college buildings. The flats are generally up to 10 metres above existing ground with again occasional spot heights of up to 12 metres. The proposed care home will be up to 12 metres in height as a southern corner plot landmark building. Officers are satisfied that an appropriately designed building can be achieved

at this maximum height when scale and appearance are considered at Reserved Matters.

6.51 Whilst the proposal is for up to 75 dwellings, the site has scope to accommodate good internal access and permeability. The applicant would be required to incorporate pedestrian/cycle route(s), which proceeds through the site and is designed to connect to existing local networks north, south, west and east. The supporting plans show a development that appears slightly denser than the adjacent housing development, having regard to the supporting plans and substantial open space being provided as part of the scheme, it is considered that the proposal would harmonise with the surroundings when considered as a whole. All public spaces are overlooked by the dwellings and so there is a good level of natural surveillance onto the proposed public open spaces and footpaths. The proposed layout has largely been informed by the shape and narrow width of the site.

6.52 A submitted Illustrative Schedule of Accommodation indicates that the following:

*Flats*

- 1 bed flats = 30 units (40%)
- 2 bed flats = 12 units (16%)

*Houses*

- 2 bed houses = 3 units (4%)
- 3 bed houses = 18 units (24%)
- 4 bed houses = 12 units (16%)

6.53 The proposed mix would be in broad accordance with the evidence of housing need as contained within the 2016 Berkshire Strategic Housing Market Assessment (SHMA). This indicates a need for all types of dwelling sizes. The affordable housing mix would be confirmed at Reserved Matters in consultation with the Housing Development Officer.

6.54 In terms of appearance, the surrounding built form has a variety of architectural design and form, of varying quality. In this context, a modern high quality residential development would harmonise with the surroundings subject to detailed consideration at the Reserved Matters stage. The location is relatively accessible and to benefit from the availability of existing local services, facilities and infrastructure within a short travel distance. The orientation of the proposed residential units is intended to provide an opportunity to provide photovoltaic panels to the roofs. The dwellings will incorporate green rooftop amenity areas to supplement the rear garden amenity spaces.

6.55 In respect of landscaping, the supporting masterplan demonstrates ample areas would be provided in terms of open space, landscape buffers, green infrastructure and soft planting to ensure the proposal is acceptable in respect of these issues at the Reserved Matters stage. Structural planting would also be provided along the buffer to the A339, to maintain the rural character of the western approach into Newbury, new planting would also be provided to create/enhance screening to adjoining properties. Landscaping will be finalised as a Reserved Matter.

6.56 The fine detailed designed for the residential, care home and hospice developments can be considered at Reserve Matters stage. Emergency vehicle access (fire and ambulance) swept paths for the residential and care home sites have been submitted. The illustrative plans outline that disabled access can be achieved to include wheelchair

access paths as annotated on the plans leading to the proposed care home and hospice entrances.

- 6.57 In respect of the full application element of the scheme (food store), the layout shows a single vehicular access point. Retractable bollards have been incorporated at the food store entrance and will provide a crime and anti-social behaviour mitigation for the proposed store car park. The proposed external design and form shows a modern design approach with modern architectural elements. The external materials would be required to be in keeping with the modern architectural elements of the adjacent Newbury College. This will be considered during the Reserve Matters under appearance but can be secured by a condition.

#### *Crime Prevention*

- 6.58 Thames Valley Police Design team recommended that a secure barrier is installed at the entrance to the food store carpark that can be closed outside of the store's hours of operation. Retractable bollards have been added to the food store access by the applicant. Additional soft landscaping has been added to the car park to limit anti-social behaviour due to the large open car parking area. It was also recommended that CCTV overlooking the car parking area is installed along with other measures in accordance with secure by design measures. This would address the matters raised by Thames Valley Police.
- 6.59 Taking into the account the above approach, coupled with the form of the surrounding built form, would ensure the proposal would integrate with the surroundings. Officers consider that the development sufficiently respects the character and appearance of the specific site and the area and would comply with Policy CS14 and the NPPF.

#### ***Public Open Space and Green Infrastructure***

- 6.60 According to Core Strategy Policy CS18, new developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network.
- 6.61 Policy RL.1 of the West Berkshire District Local Plan provides a policy requirement for public open space. According to Part 1 of the Quality Design SPD, designers and developers should create a positive relationship between local open spaces and new development.
- 6.62 Policy RL1 of the West Berkshire District Local Plan states that the Council will require, in new residential development of ten or more dwellings, the provision of between 3 and 4.3 hectares of public open space per thousand population in such form, scale and distribution as may be considered appropriate depending on local circumstances, together with associated facilities and equipment. The new population on the site will be approximately 195 persons. The requirement is between 0.56 to 0.84 hectares of public open space for this number of dwellings.
- 6.63 Policy RL2 states that the provision of public open space may be satisfied in several ways, including by allocating space on the development site itself, by making space permanently available through formal agreement on other land in the applicant's control which is readily accessible from the development site and appropriate for public open space/recreational use, or in certain circumstances by making payment to meeting necessary open space or other recreational requirements within a reasonable distance of the development site.

- 6.64 The proposal seeks to incorporate a large area of public open space along the southeastern part of the site. This area provides multi-functional public open space, with a local equipped area for play (LEAP), adjacent to the southeastern boundaries. A total of 0.3 hectares of public open space is proposed, which is slightly less than the policy requirement. Officers consider that the open space is of an appropriate size and would accommodate sufficient space for use by all members of the community. The LEAP and public open space will be secured under a Section 106 legal agreement.
- 6.65 The proposal would ensure the provision of satisfactory open space for the development as well as improved access to green infrastructure and new landscape buffers, with the finer details being resolved at the reserved matters stage and via planning conditions. It would be necessary to secure the provision, transfer and management arrangements by way of planning obligations at the outline application stage.

### ***Residential Amenity of future occupiers***

- 6.66 According to paragraph 135 of the NPPF, planning decisions should ensure that developments create places with a high standard of amenity for existing and future occupiers.
- 6.67 According to Core Strategy Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. As such, the impacts on neighbouring living conditions in terms of any loss of light, loss of privacy, loss of outlook, any overbearing impacts, or any significant noise and disturbance, are material considerations. The Council's adopted Quality Design SPD and House Extensions SPG provide guidance on such matters that may be applicable to all development proposals.
- 6.68 The development proposals within the site shall be informed by noise and air quality surveys which will advise on appropriate mitigation measures given the proximity of the site to the A339.
- 6.69 The illustrative layout plans demonstrated that future occupiers would have good access to appropriate levels of internal and external amenity space. The layout plans also demonstrate the proposed dwellings would maintain adequate separation distances from existing housing ensuring no material impact on neighbouring residential amenity by way of loss of light, outlook or privacy, or result in any significant overbearing impact.
- 6.70 It is noted there would be increase in traffic movements along the section of Monks Lane where the proposed vehicular access would be situated. However, the overall increase in the level of traffic movements, taking into account any cumulative impacts, would not be so significant such that it would materially harm neighbouring residential amenity in terms of noise and disturbance.
- 6.71 The Council's Environmental Health Team have not provided comments, however on the previous application 21/03194/OUTMAJ the Environmental Health requested that further details would be required regarding the plant equipment to be installed at the proposed food store, and how noise from the equipment will be minimised. In addition, further details regarding noise mitigation works from the A339 and street lighting in the residential area will also need to be submitted. The Environmental Health officer also requested details on how odour and dust from the adjacent Householder Recycling Centre will be managed. This can be secured by condition.

6.72 For these reasons, the proposal could potentially have an acceptable level of mitigated impact on neighbouring residential amenity and would result in the creation of satisfactory living environment for future occupiers.

### **Highways Matters**

6.73 According to Core Strategy Policy CS13, development that generates a transport impact will be required to (amongst others): reduce the need to travel; improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities. The Local Highway Authority (LHA) Officer's comments are outlined in full below:

6.74 Most of the development would be accessed via Monks Lane, with access for the care home and hospice provided onto Highwood Copse Road to the south. There is concern regarding the adding of additional traffic onto Monks Lane. One of the purposes of the recently provided A339 / Highwood Copse Road junction was to spread traffic from Sandleford Park and for any future expansion and development at Newbury College including now with this proposal. Highway Officers would have preferred that more of the development to have been accessed from the south, or even potentially for a through route and to spread any traffic increases with a choice of direction to arrive and leave the site. However ultimately this depended on the final traffic modelling results.

6.75 The development will make use of the Newbury College access road which is a private road and understandably the college didn't want their road to be used as a through route. The Council has emerging highway design standards that require all roads serving more than five dwellings to be designed, constructed and adopted as public highway via a Section 38 Agreement. Unfortunately, with the Newbury College access road being private it will not be possible for the council to enter into a Section 38 agreement to have the roads within the residential development adopted as public highway at this time. However, the applicant has stated this may be all reviewed at some later date. In the meantime, highway officers with the application of conditions and other measures will ensure that the roads are built to adoptable standards. This would be essential to enable access by the council's waste service and contractors.

6.76 Car and cycle parking provision would seem acceptable across the proposed development. Electric Vehicle Charging points will be required.

6.77 As is common with most Transport Assessments (TA) regarding retail proposals; linked, pass-by, transferred and new trips are considered for the proposed food store. Most the traffic visiting a new store will already be on the network, only a limited proportion will be new. The TA has assumed that 30% of trips will be new to the network. This is line with recent approvals for other such retail stores. Overall, highway officer projects the following additional traffic:

	AM Peak (08:00 – 09:00)			PM Peak (17:00 – 18:00)		
	Arriving	Departing	Total	Arriving	Departing	Total
Food retail store	35	23	58	66	66	132
Residential	12	40	52	29	14	43
Care home	5	4	9	4	6	10
Hospice	10	5	15	5	11	17
EV charging station	16	16	32	16	16	32
Totals	78	88	166	120	113	234

*Projected traffic generation*

- 6.78 This planning application has not been easy to assess, possible to due to only one access serving most of the site, and mainly due to its close proximity to the strategic housing site of Sandleford Park that was approved with a significant package of highways mitigation in 2021. This includes the replacement of the A339 / Pinchington Lane / Monks Lane / Newtown Road / Newbury College access (the site main access) with traffic signal junctions.
- 6.79 When assessing Sandleford Park, highway officers had several challenges regarding the A339. There were limited options left available on the A339 for the Local Highway authority in accommodating Sandleford Park traffic and ensuring mitigation. To varying levels, all junctions along the A339 experience traffic congestion during peak travel periods and at times during the day. In some instances, due to land restraints there are limitations to what improvements can now be undertaken to increase capacity, and in the case of the A339 / A343 St Johns Road / Greenham Road Roundabout, there are limitations due to its location within an Air Quality Management Area (AQMA).
- 6.80 To mitigate the impact from Sandleford Park, the LHA had to consider in some areas smarter ways of mitigation. This mitigation included works around the A339 / B4640 Swan Roundabout to encourage more traffic from the south to travel towards the A34 instead of through Newbury. It also includes using the traffic signals at the A339 / Highwood Copse junction and the future A339 / Pinchington Lane junction to control the rate of traffic travelling northwards into the town centre to prevent excessive traffic queues from forming in the town centre including the A339 / A343 St Johns Road / Greenham Road Roundabout. But as was found with assessing the Sandleford Park planning application there is a careful balance needing to be found in lengths of traffic queues at junctions to the south of Newbury and junctions within the town centre.
- 6.81 To achieve the above, the Council's Newbury VISSIM traffic model was used to assess Sandleford Park. As this development is so close to Sandleford Park, highway officers considered it essential that this development used the same VISSIM traffic modelling runs that were used for Sandleford Park, but with this development traffic added on. This is to establish whether the mitigation agreed with Sandleford Park would still work with this proposal.
- 6.82 After a number of iterations, the applicant's highway consultants provided the following results.

	AM Peak				PM Peak			
	a). 2031 Base without Sandleford and this development	b). a) + All Sandleford and associated mitigation	c). b) + this development	d). c) with traffic signals adjusted	a). 2031 Base without Sandleford and this development	b). a) + All Sandleford and associated mitigation	c). b) + this development	d). c) with traffic signals adjusted
A339 / Highwood Copse southbound	10	16	1	0	10	8	1	1
A339 / Highwood Copse northbound	117	112	175	177	441	320	779	341
A339 / Highwood Copse eastbound	3	40	15	15	1	20	8	7
A339 / Pinchington Ln Roundabout southbound	16	40	53	42	13	338	210	100

A339 / Pinchington Ln Roundabout westbound	32	<b>58</b>	45	<b>112</b>	36	<b>126</b>	71	<b>95</b>
A339 / Pinchington Ln Roundabout northbound	334	<b>306</b>	335	<b>343</b>	346	<b>338</b>	346	<b>341</b>
Monks Ln / Newtown Rd southbound	12	<b>106</b>	177	<b>58</b>	10	<b>62</b>	160	<b>67</b>
Monks Ln / Newtown Rd northbound	1	<b>115</b>	67	<b>25</b>	5	<b>56</b>	166	<b>63</b>
Monks Ln / Newtown Rd eastbound	3	<b>70</b>	36	<b>27</b>	3	<b>56</b>	22	<b>31</b>
A339 / A343 St John's Roundabout southbound	12	<b>40</b>	51	<b>8</b>	293	<b>135</b>	115	<b>42</b>
A339 / A343 St John's Roundabout westbound	870	<b>36</b>	161	<b>35</b>	47	<b>60</b>	177	<b>49</b>
A339 / A343 St John's Roundabout northbound	37	<b>459</b>	591	<b>512</b>	26	<b>271</b>	379	<b>553</b>
A339 / A343 St John's Roundabout eastbound	276	<b>275</b>	203	<b>290</b>	38	<b>184</b>	230	<b>247</b>

*Projected average traffic queues.*

- 6.83 Highway officers are satisfied that on balance the traffic modelling results are not too different from the traffic modelling results that were accepted for Sandleford Park, and therefore consider that the development will not have severe impact on the highway network. Furthermore, Highway Officers will work with the Sandleford developers to further refine and improve the design and operation of the future A339 / Pinchington lane / Monks Lane / Newtown Road traffic signal junctions.
- 6.84 Members do need to be aware that the Sandleford Park mitigation does take place at different stages as the Sandleford Park development proceeds. For instance, improvements to the A339 / B 4640 roundabout and the A339 / A343 St Johns roundabout take place quite earlier on. The A339 / Pinchington Lane improvements take place towards the end of the Sandleford Park development. Members do need to be aware that for a few years until the works at the A339 / Pinchington Lane junction are completed conditions on the A339 will temporarily worsen until these junction works are completed. This development will add to this issue, but highway officers still consider it wasteful and superfluous to insist that this development provides some form of improvement that would then be replaced only a few years later by the Sandleford mitigation.
- 6.85 In conclusion, after much deliberation, highway officers on balance raise no objections to this proposal, subject to conditions.
- 6.86 For the above reasons, taking into account any cumulative impacts, the proposal would not have an adverse impact on highway safety and the free flow of traffic within the local highways infrastructure, and would provide satisfactory cycle and car provision to meet the needs of future occupiers in accordance with the provisions of Policy CS13, and the National Planning Policy Framework.

***Flood risk and Sustainable Drainage***

- 6.87 Core Strategy Policy CS16 also requires that all developments incorporate sustainable drainage techniques. The Planning Practice Guidance supports this position for major developments.
- 6.88 The site is located in Flood Zone 1 (lowest risk of flooding) according to Environment Agency Flood Mapping.
- 6.89 An addendum on drainage matters was submitted which addressed comments raised in the Lead Local Flood Authority (LLFA) consultee comments.

- 6.90 The drainage addendum concludes that there is sufficient capacity within the existing attenuation basin serving the College campus, south of the application site, to accommodate runoff from the development. It also provides further details on SUDs proposals, design exceedance, water quality and future adoption and maintenance.
- 6.91 The LFFA have carefully considered the proposal and raised no objections subject to a planning condition securing finer details of the drainage strategy. The LLFA outlined that the Flood Risk Assessment and drainage strategy format are acceptable. The LFFA recommends approval subject to condition.
- 6.92 For these reasons, the proposal would not have an adverse impact on flooding within the site or locality in accordance with the provisions of Core Strategy Policy CS16 and the National Planning Policy Framework.

### ***Social, Water Supply and Wastewater Infrastructure***

- 6.93 According to Core Strategy Policy CS5, the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery, whilst protecting local amenities and environmental quality.
- 6.94 Consultation requests have been sent to Thames Water, Education and Royal Berkshire Fire and Rescue Service (RBFPS) in respect of infrastructure requirements.
- 6.95 Given the number of houses proposed, any increases in local school capacity would be incremental and so mitigation may be funded through CIL. Only extensions to schools made necessary by a specific development will fall within the scope of Section 106 legal agreement.
- 6.96 Adequate water and wastewater infrastructure is needed to support sustainable development. Thames Water are the statutory undertaker for water supply and wastewater in the area and have therefore been consulted on this application and confirm that they have no objections in terms of water network infrastructure capacity and sewerage capacity subject to condition.
- 6.97 The Berkshire West NHS Integrated Care Board (ICB) were consulted and noted the potential population increase. The ICB have indicated that they will be informing the GP practices closest to the proposed development including Eastfield House Surgery to consider new GP developments within the area. The ICB have also indicated that they continue to liaise with the Council regarding Section 106 and CIL contributions for health services to help meet the increased demand associated with the aggregate impact of housing developments in West Berkshire.

### ***Employment and the Economy***

- 6.98 The Council's economic development team have been consulted and acknowledge that a new supermarket will offer the creation of new local employment, as it is estimated that the new Aldi will offer around forty employment opportunities. The Council's economic development team stated that these employment opportunities will have a significant boost to the local employment market, especially in Greenham, which has traditionally suffered with local employment opportunities and deprivation. The Council's economic development team state that any project that would bring economic prosperity to the Greenham area would be seen as beneficial and the introduction of a new discount supermarket in Greenham would provide the residents with an affordable



source of groceries. The Council's economic development team also stated that a new supermarket may bring some additional competition into the local labour market.

- 6.99 As a negative, it is acknowledged that there may be a reduction in trade from the edge of town centre supermarket and may have a negative impact on the vitality of the Newbury Town centre and this is outlined in the submitted market analysis. However as outlined in this report, officers are satisfied that the sequential test has been applied and there is no equivalent site available within the Newbury Town Centre to accommodate the food store.
- 6.100 The Council's economic development team acknowledge that the proposed residential care home containing 70 beds, will help provide a wide range of employment opportunities for the surrounding area primarily in the care sector. An Employment Skills Plan has been requested through a recommended condition to ensure the development maximises local skills development and employment.
- 6.101 For these reasons, the proposal would not conflict with the overall aims and objectives of the NPPF.

### ***Sustainable construction***

- 6.102 According to Core Strategy Policy CS15, major development shall achieve minimum reductions in total CO2 emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development as long as a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable.
- 6.103 The percentage reductions in CO2 emissions should be based on the estimated CO2 emissions of the development after the installation of energy efficiency measures related to either the Code for Sustainable Homes, BREEAM or equivalent method has been applied.'
- 6.104 A sustainability and BREEAM pre-assessment report has been submitted which confirms that BREEAM excellent can be achieved for the food store.
- 6.105 The addition of a high-capacity electric vehicle charging station is a welcomed element to the planned development, as it will help to meet Council policy CS15. Its inclusion also helps to improve the supply of charging points in West Berkshire.
- 6.106 The objective for the residential development is to achieve net zero. The additional requirements to meet these design standards will be secured by planning condition.
- 6.107 The applicant's sustainability statement outlines that the designs will seek to maximise passive solar gains for heat and daylight through appropriately angled glazing and site layout as far as physically possible. The use of solar PV technology will be maximised for all units to attain a zero carbon homes rating in accordance with West Berkshire Council planning policy CS15.
- 6.108 Electric car charging points will also be supplied for each dwelling and linked to the provision of solar PV. The proposed Aldi store will use heat pump technology and the planned integration of solar PV panels on the roof.
- 6.109 It is considered that subject to additional details to fully achieve zero carbon secured by a condition, the proposed development is capable of achieving the principles of Core Strategy Policy CS15.

## ***Biodiversity***

6.110 According to Core Strategy Policy CS17, biodiversity assets across West Berkshire will be conserved and enhanced.

6.111 According to the NPPF, planning decision should contribute to and enhance the natural and local environment by (amongst others) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Similarly, Policy CS17 states that in order to conserve and enhance the environmental capacity of the district, all new development should maximise opportunities to achieve net gains in biodiversity.

6.112 The application is supported ecological reports that have been carefully considered by the Council's Ecology team who raise no objection subject to conditions.

### *Irreplaceable Habitats*

6.113 The Council's Ecologist has stated that information submitted with the application indicates that three veteran trees have been felled to facilitate the proposed development. Veteran trees are included in the definition of 'Irreplaceable Habitats' in the NPPF and it is stated that these are habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

6.114 The NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

6.115 The policy clarifies that exceptional reasons include infrastructure projects, where the public benefit would clearly outweigh the loss or deterioration of habitat. Officers consider that as the trees were not protected and were removed prior to the development application being submitted, this is a matter of enforcement by the forestry commission.

### *Biodiversity Net Gain*

6.116 The Council's Ecologist has stated that a line of hedgerow on the eastern boundary of the site which would be within the current redline boundary appears to have been cleared between 2019 – 2021, prior to the submission of the current, and previous planning applications. The linear habitat cleared amounts to around 265 meters. Planning practice guidance explains that where unauthorised vegetation clearance has taken place since 30<sup>th</sup> January 2020, the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities. However, without any further evidence as to the date of this vegetation clearance, and in the absence of any evidence to the contrary, it is accepted that it may have taken place before 30<sup>th</sup> January 2020.

6.117 The applicant has indicated in their draft unilateral undertaking that they are willing to provide the required Biodiversity Net Gain offsite as it has been agreed by both the applicant's Ecologist and the Council's Ecologist that the proposal cannot achieve onsite Biodiversity Net Gain.

- 6.118 The Council's Ecologist has recommended conditions and also advised that additional information will be required of sufficient offsite mitigation to compensate for the loss onsite including the resubmission of a corrected BNG calculation and including appropriate offsite mitigation for the loss of veteran trees.
- 6.119 The Council's Ecologist has reviewed the applicant's draft unilateral undertaking and considers that adequate off-site compensation will now be achieved for the development as with the onsite mitigation. The Council's Ecologist advises that the mitigation for both biodiversity and loss of veteran trees would be best delivered in the form of an escrow account or legal agreement.
- 6.120 The Berkshire Newts Officer has no objection, indicating that the ponds in the area had negative eDNA results for great crested newts this year. As a result, it is highly unlikely that great crested newts are present in the area, and it is therefore unlikely that they will be impacted by the proposed works.
- 6.121 Subject to planning conditions and a legal mechanism (section 106 legal agreement or Unilateral Undertaking) to mitigate the impact of the development, and to secure appropriate enhancements, it is considered that, overall, the proposed development is capable of complying with Policy CS17 in terms of conserving and enhancing local biodiversity.

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

- 6.122 Policy CS19 of the Core Strategy concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Particular regard is given to the conservation and, where appropriate enhancement of landscape assets.
- 6.123 The NPPF states that planning permission should be refused for development resulting in the loss of aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 6.124 Policy CS18 outlines that the district's green infrastructure will be protected and enhanced, that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Policy CS18 of the West Berkshire Core Strategy requires the retention of valued green infrastructure which contribute to the character of the landscape and the area.
- 6.125 As indicated in this report the site has lost 3 No Veteran trees that were felled prior to the application being submitted.
- 6.126 The Forestry Commission were consulted, and they have stated that ancient woodlands are irreplaceable. The Forestry Commission referred to further technical information set out in Natural England and Forestry Commission Guidance - Ancient woodland, ancient trees and veteran trees: advice for making planning decisions.
- 6.127 The Woodland Trust has no objection. However, the Trust has stated that it accepts that the loss of the Veteran Trees should not be considered as part of the planning balance and ultimately final decision-making for these applications. As such, the Woodland Trust withdrew their previous objection to application 21/03194/OUTMAJ.
- 6.128 The loss of the veteran trees in this area is a matter that should be dealt with as an enforcement issue by the relevant statutory authorities (Forestry Commission) and any

proposals to compensate for their loss should not form part of the planning considerations for this application. Officers however, welcome the biodiversity enhancements that the application will make.

6.129 The Council's Tree Officer has assessed the proposal and raises no objection. The submitted planting proposal demonstrates satisfactory areas for new tree planting within and outside the site which would off-set the loss of any trees and result in a net gain in tree planting as part of the landscape strategy. The proposed scheme will also achieve significant increase in hedgerow habitat.

6.130 For these reasons, it is considered that retained trees would be adequately safeguarded from any potential adverse effects and additional planting would be in accordance with the provisions of policy CS18 and the National Planning Policy Framework.

### ***Other Matters***

#### *Education*

6.131 The Education team have outlined that the impact of the development will be met from CIL.

#### *Minerals and Waste*

6.132 The minerals and waste team have requested a condition ensure the minerals and waste safeguarding principle is adequately addressed.

#### *Archaeology*

6.133 The Archaeologist has no objection and has stated that the potential of the site to preserve significant archaeological remains low and no further work is requested.

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

7.1 The application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

#### *Food store*

Consideration has been given to the local retail need for the store in the South Newbury retail catchment. Having regard to overall sustainability issues and the need to reduce CO2 production where possible, if the application were approved it would reduce car travel to other discount stores to the north of Newbury. In economic terms the proposed development will provide benefits, providing shoppers with the better local choices, plus the provision of additional employment.

#### *Residential and care home development*

7.2 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal. Officers consider that the proposal will make a contribution to the wider economic objectives of sustainable development and will support provision of new housing and care home facilities. There are benefits arising from the development of the site, including additional affordable housing and modern care facilities. Regarding the environmental objectives of fundamentally contributing to protecting and enhancing our

natural, built and historic environment, the impact on the character and appearance of the surrounding area has been fully assessed using expert advice as outlined in this report. Officers consider that the final amended plans sufficiently preserve and enhance the existing natural environment on the site, subject to the completion of offsite biodiversity net gain. Officers consider that the proposal makes a significant contribution to the wider social objectives of sustainable development through the provision of affordable housing, public open space and a LEAP. Officers therefore consider that the proposed development is supported by the presumption in favour of sustainable development.

- 7.3 Having taken account of all the relevant planning policy considerations and other material considerations set out above, it is considered that the proposed development complies with the development plan when considered as a whole and is therefore recommended for approval.

## 8. Full Recommendation

- 8.1 **PROVIDED THAT** a Section 106 Agreement or Unilateral Undertaking has been completed by 20 June 2024 (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manger to **GRANT PLANNING PERMISSION** subject to the planning conditions listed below.
- 8.2 **OR**, if a Section 106 Agreement or Unilateral Undertaking is not completed, to **REFUSE PLANNING PERMISSION** for the reasons listed below.

### ***Heads of Terms for Section 106 Agreement or Unilateral Undertaking***

1.	<p><b>Affordable housing</b></p> <p>Obligations to secure 40% affordable housing:</p> <ul style="list-style-type: none"> <li>• Provision of affordable housing consisting of First Homes to contribute 25% of all Affordable Housing with Local Authorities able to retain their original policy compliant level of social rent.</li> <li>• Provision of West Berkshire Council requirement of 70% Social rent, 25% First Homes and 5% Shared Ownership.</li> <li>• The Council will seek 31 affordable housing dwellings, with the following tenure mix: <ul style="list-style-type: none"> <li>a) 21 Social Rent,</li> <li>b) 8 First Homes (rounded off)</li> <li>c) 2 Shared Ownership (rounded off).</li> </ul> </li> <li>• Final housing tenure mix to be confirmed at Reserve Matters</li> </ul>
2.	<p><b>Public Open Space, Offsite Biodiversity Net Gain Enhancements, Landscape Buffers/Green Infrastructure and SUDS/Drainage</b></p> <p>Obligations to secure:</p> <ul style="list-style-type: none"> <li>• The provision of public open space (including LEAP), landscape buffers/green infrastructure and SUDS/drainage measures in accordance</li> </ul>

	<p>with details agreed at reserved matters stage and pursuant to all conditions.</p> <ul style="list-style-type: none"> <li>• The provision of landscaping enhancement onsite and offsite.</li> <li>• The provision of sufficiently evidenced offsite Biodiversity Net Gain Plan and Strategy or the provision of a Biodiversity Net Gain escrow account.</li> <li>• The long-term governance and maintenance of the public open space (including LEAP), landscape buffers/green infrastructure and SUDS/drainage measures (e.g. a management company or transferred to the Council).</li> <li>• The landscaping enhancements secured to include offsite (outside the site area) Tree Planting Schedule and plan as outlined in the Tree Planting Proposal by SJ Stephens Associates.</li> <li>• In the event that the public open space, landscape buffers/green infrastructure and/or SUDS/drainage measures are transferred to the Council, the provision of a commuted sum for maintenance (calculated in accordance with the Planning Obligations SPD).</li> </ul>
3	<p><b>Council's Costs</b></p> <ul style="list-style-type: none"> <li>• To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement or Unilateral Undertaking through an administration fee.</li> </ul>

### **PLANNING CONDITIONS**

1	<p><b>Total Number of Units</b></p> <p>The number of dwellings hereby permitted shall not exceed 75 in total.</p> <p>Reason: For the avoidance of doubt and to ensure the satisfactory development of the site.</p>
2	<p><b>Approved plans (Outline Planning)</b></p> <p>The development hereby permitted shall be carried out in accordance with the following parameter plans.</p> <ul style="list-style-type: none"> <li>• Site location plan - P1-05 REVISION C</li> <li>• Parameters plan – P1-05 REVISION G</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning. Outline planning permission is granted solely on the basis of the parameters within these approved details. The parameters shown on this drawing are necessary to ensure the development achieves an acceptable standard of design, which complies with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and West Berkshire Quality Design SPD.</p>
3	<p><b>Approved plans and documents (whole planning site)</b></p>

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

Received on 07/11/2022.

- Arboricultural Impact Assessment
- BREEAM Pre-Assessment: Care Home
- Desk Based Assessment
- Desktop Market Analysis
- Dust and Odour Assessment
- Flood Risk Assessment and Drainage Statement 1/2
- Food Store Waste Management Plan
- Flood Risk Assessment and Drainage Statement
- Foul Drainage and Utilities Assessment
- LLFA Comments and Consultant Responses 1/2
- LLFA Comments and Consultant Responses 2/2
- Mineral Safeguarding Assessment
- Noise Assessment Report
- Technical Note: Response to Highway Officer Comments
- Retail Assessment
- Landmark Site Check Assess
- Statement of Community Involvement
- Sustainability Statement
- Transport Assessment 1/2
- Transport Assessment 2/2
- Food Store Proposed Elevations
- Proposed Food Store Floor Plans
- Landmark Land Contamination Layout Plans
- Proposed Care Home and Hospice Access Plan
- Proposed Food Store Access Plan
- Proposed Northern Residential Access Plan
- Proposed Southern Residential Access Plan
- Proposed EV Charging Station Access Plan
- Swept Path Analysis: 16.5m Articulated Vehicle Servicing Food store
- Proposed Food Store Roof Plan
- Food Store Proposed Sections
- Retractable Bollard Layout

Received on 27/03/2023.

- Care Home supporting document
- Care home supporting statement 2

Received on 04/04/2023.

- Amended Retail Assessment Addendum with Appendix
- Halebourne Care Staffing Statement

Received on 09/05/2023.

- Transport Note - Modelling

- Surface Water Drainage Addendum Issue 1
- Surface Water Drainage Addendum Issue 2

Received on 20/06/2023.

- Amended Design and Access Statement
- Amended Planning Statement
- Amended Illustrative Schedule of Accommodation
- Amended BREEAM Pre-Assessment - ALDI
- Amended Preliminary Ecology Report
- Amended Parameters Plan (with heights)

Received on 21/07/2023.

- Amended Sustainability Statement

Received on 08/08/2023.

- Amended Surface Water Drainage Addendum 1 of 6
- Amended Surface Water Drainage Addendum 2 of 6
- Amended Surface Water Drainage Addendum 3 of 6
- Amended Surface Water Drainage Addendum 4 of 6
- Amended Surface Water Drainage Addendum 5 of 6
- Amended Surface Water Drainage Addendum 6 of 6

Received on 09/08/2023.

- Amended proposed site plan
- Amended proposed illustrative site layout
- Amended proposed soft landscaping

Received on 28/09/2023.

- Traffic modelling
- Traffic Modelling V model

Received on 02/10/2023.

- Traffic Modelling 1
- Traffic modelling 2
- Traffic Modelling 3
- Traffic Modelling 4
- Traffic Modelling 6
- Traffic Modelling 7
- Traffic Modelling 5

Received on 03/10/2023.



	<ul style="list-style-type: none"> <li>• Amended tree planting proposal</li> <li>• Amended tree planting plan</li> </ul> <p>Received on 19/10/2023.</p> <ul style="list-style-type: none"> <li>• Modelling route map</li> </ul> <p>Received on 23/11/2023.</p> <ul style="list-style-type: none"> <li>• Traffic Modelling AM Scenarios</li> <li>• PM Peak Queues graphs</li> <li>• AM Peak queues graphs</li> </ul> <p>Received on 03/12/2023.</p> <ul style="list-style-type: none"> <li>• Traffic Modelling PM Scenarios</li> </ul> <p>Received on 20/12/2023.</p> <ul style="list-style-type: none"> <li>• Traffic Modelling graphs</li> <li>• Traffic Modelling graphs</li> </ul> <p>Received on 13/02/2024.</p> <ul style="list-style-type: none"> <li>• Applicant Response to Highways Letter</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
4.	<p><b>Approval of reserved matters (Outline Planning)</b></p> <p>Details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase takes place. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>

5.	<p><b>Time Limit for Approval of Reserved Matters (Outline Planning)</b></p> <p>Application for approval of all the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
6.	<p><b>Time Limit for Commencement (Outline Planning)</b></p> <p>The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
7.	<p><b>Phasing Plan (Outline Planning)</b></p> <p>A phasing Plan shall be submitted to and approved in writing by the local planning authority on or before submission of the first reserved matters application which shall show the phases in which development is to be carried out, including details on the broad number of dwellings (including affordable units) to be provided at each phase(s). The development shall thereafter only be carried out in accordance with the approved Phasing Plan.</p> <p>A pre-commencement condition is necessary because the phasing plan will need to be adhered to throughout the entire construction phase.</p> <p>Reason: To ensure the comprehensive masterplan led development of the site and in the interests of timely infrastructure delivery. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and the Quality Design SPD.</p>
8.	<p><b>Time Limit (Full Planning - Food store)</b></p> <p>The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
9	<p><b>Road construction</b></p> <p>No development shall take place until details of road construction have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until associated road construction has been constructed in accordance with the approved drawings. The road construction shall comply to the Local Highway Authority standards and shall thereafter be maintained by appropriate legal agreements when required.</p>

	<p>Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
10	<p><b>Access construction prior to occupation / use</b></p> <p>The development shall not be brought into use until the associated accesses have been provided and have been constructed in accordance with the approved drawing(s).</p> <p>Reason: In the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
11	<p><b>Tenure Plan (outline planning)</b></p> <p>Prior to the above foundation level works commencing, a schedule of the overall housing units (housing mix) and a Tenure Plan shall have first been submitted to and approved in writing by the Local Planning Authority. The Tenure Plan shall show the tenure of the eventual dwelling on each plot social/affordable rent, first homes and shared ownership. Thereafter the development shall not be carried out except in accordance with the approved details.</p> <p>Reason: Insufficient information has been submitted to ascertain the tenure of development. This information is required at this stage because it may affect considerations of the site layout and because it has site wide implications that need to be determined at the outset of detailed design (e.g. affordable housing distribution throughout the site). the condition is applied in accordance with the provisions of the National Planning Policy Framework, Policies CS4, CS6 and CS19 of the West Berkshire Core Strategy 2006-2026 and West Berkshire Quality Design SPD.</p>
12	<p><b>Nationally described space standards (Outline Planning)</b></p> <p>No above ground development shall take place until details of how the internal bed spaces and storage areas of the affordable housing dwellings only hereby permitted meet the national space standards as prescribed in the technical housing standards – nationally described space standard – (Department for Local Communities and Government March 2015) (as amended). Thereafter the proposed affordable housing dwellings shall be completed in accordance with the approved details.</p> <p>Reason: to ensure the proposed affordable housing dwellings meet national space standards and are well designed for occupation. This condition is applied in accordance with the National Planning Policy Framework, Technical housing standards – nationally described space standards, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.</p>
13.	<p><b>Ground levels and finished floor levels.</b></p> <p>No development hereby approved shall take place until details of existing and proposed ground levels and finished floor levels of the development (phased as appropriate), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.</p>

	<p>Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p>
14.	<p><b>Construction method statement (Highway)</b></p> <p>No development shall take place until a Construction Method Statement and plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> <li>(a) The parking of vehicles of site operatives and visitors</li> <li>(b) Loading and unloading of plant and materials</li> <li>(c) Storage of plant and materials used in constructing the development</li> <li>(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing</li> <li>(e) Wheel washing facilities</li> <li>(f) Measures to control the emission of dust and dirt during construction</li> <li>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>(h) A site set-up plan during the works</li> </ul> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
15	<p><b>Hours of Construction Works</b></p> <p>No construction works shall take place outside the following hours:</p> <p>0730 hours to 1800 hours Mondays to Fridays. 0830 hours to 1300 hours Saturdays; and</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
16.	<p><b>Layout and Design Standards</b></p> <p>Notwithstanding the information provided within the application documentation, the detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the applicant shall enter into a S278/S38 Agreement for the adoption of the sites road and footpaths where required by the Highways Authority.</p> <p>Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is applied in accordance with the National Planning</p>

	Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
17.	<p><b>Electric Charging Points</b></p> <p>No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until associated electric vehicle charging points have 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 applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
18.	<p><b>Travel Plan (residential)</b></p> <p>Irrespective of the details submitted with the application, prior to above foundation level development taking place on the dwellings hereby permitted, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented from the point at which any dwelling hereby permitted is first occupied. From the date of implementation, the approved travel plan shall be reviewed and updated within the first 6 months. After that, the Travel Plan shall be annually reviewed and updated, and all reasonably practicable steps taken 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 an appropriate level of vehicle parking. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
19	<p><b>Travel Plan (Food store)</b></p> <p>Irrespective of the details submitted with the application, prior to above foundation level development taking place on the food store hereby permitted, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented and be annually reviewed and updated and all reasonably practicable steps taken 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 an appropriate level of vehicle parking. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
20.	<b>Spoil</b>

	<p>No development hereby permitted shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:</p> <ul style="list-style-type: none"> <li>• Show where any spoil to remain on the site will be deposited.</li> <li>• Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels).</li> <li>• Include measures to remove all spoil from the site (that is not to be deposited).</li> <li>• Include timescales for the depositing/removal of spoil.</li> </ul> <p>All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.</p> <p>Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Quality Design SPD (June 2006)</p>
21.	<p><b>Sustainable Drainage</b></p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ol style="list-style-type: none"> <li>a. Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use. The SuDS strategy should also conform to the proposals in the Surface Water Drainage Strategy Addendum Report submitted August 2023.</li> <li>b. Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site.</li> <li>c. Include full information of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and, where the flows exit the site, both pre-development and post-development information must be provided.</li> <li>d. Demonstrate that proposed finished floor levels are set in accordance with Environment Agency Standing Advice on flooding ( <a href="https://www.gov.uk/guidance/flood-risk-assessment-standingadvice">https://www.gov.uk/guidance/flood-risk-assessment-standingadvice</a> ) and BS8533;</li> <li>e. Include a detailed drainage strategy for surface water run-off within the site in accordance with the proposals included within Surface Water Drainage Strategy Addendum Report submitted August 2023.</li> <li>f. Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site at no greater than 1 in 1 year Greenfield run-off rates.</li> <li>g. Include and be informed by the ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365 methodology.</li> </ol>

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

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

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

	<p>the construction phase and so it is necessary to approve these details before any development takes place.</p>
22.	<p><b>Refuse Storage</b></p> <p>Prior to above foundation level development taking place on the dwellings hereby permitted, details of storage for refuse and recycling materials for the dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The approved dwellings shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall thereafter be retained for this purpose.</p> <p>Reason: To ensure that there are adequate and safe refuse/recycling facilities within the site. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
23.	<p><b>Protection from external noise, air quality (traffic, dust and odour)</b></p> <p>Prior to above foundation level development taking place on the dwellings hereby permitted, details of a scheme of works to protect the future occupiers of the approved dwellings and care facilities from externally generated noise, air quality (traffic, dust and odour) from the A339 and the Household recycling centre shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, each individual dwelling and care facility shall not be occupied until the approved mitigation scheme relevant to that individual dwelling and care facility has been fully implemented in accordance with the approved details.</p> <p>Reason: In order to protect the amenities of future occupiers of the development. This condition is applied in accordance with The National Planning Policy Framework, Policy OVS6 of the West Berkshire District Local Plan 1991 to 2006, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
24.	<p><b>Travel information packs.</b></p> <p>No dwelling hereby permitted shall be first occupied until a scheme for the provision of travel information packs for new residents has been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To provide a scheme that seeks to deliver sustainable transport objectives, such as encouraging the use of local public transport and other non-car modes of transport. The provision of travel information packs to new residents is a scheme that is proportionate to the size of the development. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policies GS1 and P1 of the Housing Site Allocations DPD (2006-2026).</p>
25.	<p><b>Broadband</b></p> <p>Prior to above foundation level works commencing details of a Superfast Broadband Strategy Statement shall have been submitted and approved in writing by the Local Planning Authority. Such a statement shall set out how</p>



	<p>superfast broadband is to be provided to the development, including a schedule for connection. Thereafter no part of the development hereby permitted shall be occupied until superfast broadband infrastructure has been provided in accordance with the approved details.</p> <p>Reason: To ensure that the site is provided with high-speed communications infrastructure in the interests of the amenity of the occupants of the site. This condition is applied in accordance with the requirements of the National Planning Policy Framework, Policies CS5 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026).</p>
26.	<p><b>Emergency Water Supplies</b></p> <p>No dwelling hereby permitted shall be first occupied until either:</p> <ul style="list-style-type: none"> <li>a) Private fire hydrant(s), or other suitable emergency water supplies, have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority (in consultation with Royal Berkshire Fire and Rescue Service);</li> <li>b) or Royal Berkshire Fire and Rescue Service confirm that such provision is not required (for example, because the main water supply for the development is sufficient) and confirmation of the same has been given in writing by the Local Planning Authority pursuant to this condition.</li> </ul> <p>Reason: At present there are no available public mains in this area to provide suitable water supply in order to effectively fight a fire. Suitable private fire hydrant(s), or other suitable emergency water supplies, are therefore required to meeting Royal Berkshire Fire and Rescue Service requirements, in the interests of public safety. This condition is applied in accordance with the requirements of the National Planning Policy Framework, Policies CS5 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026).</p>
27.	<p><b>Boundary Treatment</b></p> <p>Prior to the first occupation of any dwellings hereby permitted, details (indicating the position, design, materials and type) of all boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before any dwelling hereby permitted is first occupied. The approved boundary treatments shall thereafter be retained as such.</p> <p>Reason: To ensure the satisfactory appearance of the development. This condition is applied in accordance with the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026)</p>
28.	<p><b>Tree Protection – Construction Precautions</b></p> <p>No development or other operations hereby permitted shall commence on site until measures providing for the protection of the root zones of trees to be retained from the proposed access, hard surfacing, drainage and services have been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. The tree</p>

	<p>protection must be provided before development takes place to ensure that the trees are protected throughout the construction phase. A pre-condition is required because the tree protection measures may vary depending on the final layout. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and the West Berkshire Quality Design SPD.</p>
29.	<p><b>Landscape and Habitat Management Plan</b></p> <p>No development hereby permitted shall take place until a Landscape and Habitat Management Plan for the biodiversity enhancement plan for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure. The plan shall include long term design objectives, management responsibilities and maintenance schedules. The plan shall include any areas of existing landscaping including hedgerows and also include any areas of proposed landscaping other than areas of private domestic gardens. No dwelling hereby permitted shall be first occupied until the approved plan has been implemented and thereafter adhered to for the lifetime of the plan.</p> <p>Reason: To ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure post-development including the long-term management of existing and proposed landscaping in accordance with the recommendations of the submitted ecological report. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework(2019) and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026</p>
30.	<p><b>Public Open Space</b></p> <p>Prior to above foundation level works commencing, details of on-site Public Open Space including LEAP equipment details, footpath details have been submitted to and approved by the Local Planning Authority.</p> <p>The approved Public Open Space and LEAP equipment shall be provided for first use prior to the occupation of the 25th dwelling and shall be retained permanently thereafter.</p> <p>Reason: In order to provide adequate on site public open space This condition is applied in accordance with the National Planning Policy Framework, Core Strategy Policy CS18 and Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
31.	<p><b>Cycle Storage</b></p> <p>No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the associated cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.</p> <p>Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-</p>

	2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
32.	<p><b>Unforeseen Contamination</b></p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS5 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007</p>
33.	<p><b>Vehicle parking provided to standards.</b></p> <p>No development shall take place until details of the vehicle parking and turning space areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The development shall not be brought into use until the associated vehicle parking and turning spaces/areas have been provided in accordance with the approved details. The parking and turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
34.	<p><b>Permitted Development Rights Removed (Outline Planning)</b></p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the overdevelopment of the site and individual plots in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Quality Design SPD (June 2006).</p>
35.	<b>External Materials</b>

	<p>Prior to above foundation level works commencing, details of external facing materials shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Quality Design SPD (June 2006).</p>
36.	<p><b>Hard and soft Landscaping</b></p> <p>No development hereby permitted shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedule of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:</p> <ul style="list-style-type: none"> <li>a) completion of the approved landscaping within the first planting season following the completion of the development; and</li> <li>b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.</li> </ul> <p>Thereafter the approved scheme shall be implemented in full.</p> <p>Reason: To ensure the implementation of a satisfactory scheme for landscaping. This condition is applied in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.</p>
37	<p><b>Zero Carbon Strategy</b></p> <p>No phase of the development hereby granted outline planning permission shall take place until a strategy on the measures to be provided and calculations demonstrating that the residential development shall achieve zero carbon in line with policy CS15 of the West Berkshire Core Strategy 2006-2026 has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the measures have been provided in accordance with the approved strategy.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.</p> <p>Reason: To ensure the development provides a carbon reduction. This condition is applied in accordance with the National Planning Policy Framework, and policy CS15 of the West Berkshire District Core Strategy 2006-2026.</p>
38	<p><b>Biodiversity strategies, plans and schemes.</b></p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in:</p>

	<ul style="list-style-type: none"> <li>• Arboricultural impact assessment (December 2021, SJ Stephens Associates).</li> <li>• Tree Planting Proposal (September 2023, SJ Stephens Associates).</li> <li>• Tree Planting Plan (September 2023, SJ Stephens Associates).</li> <li>• Preliminary Ecological Appraisal (June 2023, PRO VISION).</li> </ul> <p>As already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p> <p>Reason: To avoid any adverse impacts to biodiversity during construction. This condition is applied in accordance with the National Planning Policy Framework and Policy CS 17 of the West Berkshire core strategy 2006-2026.</p>
39	<p><b>Construction Environmental Management Plan (CEMP)</b></p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:</p> <ul style="list-style-type: none"> <li>(a) Risk assessment of potentially damaging construction activities.</li> <li>(b) Identification of “biodiversity protection zones”.</li> <li>(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).</li> <li>(d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>(e) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>(f) Responsible persons and lines of communication.</li> <li>(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</li> <li>(h) Use of protective fences, exclusion barriers and warning signs.</li> <li>(i) All mitigation requirements from Preliminary Ecological Appraisal (June 2023, PRO VISION).</li> <li>(j) All recommendations from Arboricultural impact assessment (December 2021, SJ Stephens Associates).</li> </ul> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
40	<p><b>Landscape and Ecological Management Plan (LEMP)</b></p> <p>No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> <li>(a) Description and evaluation of features to be managed.</li> </ul>

	<ul style="list-style-type: none"> <li>(b) Ecological trends and constraints on site that might influence management.</li> <li>(c) Aims and objectives of management.</li> <li>(d) Appropriate management options for achieving aims and objectives.</li> <li>(e) Prescriptions for management actions.</li> <li>(f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</li> <li>(g) Details of the body or organization responsible for implementation of the plan.</li> <li>(h) Ongoing monitoring and remedial measures.</li> <li>(i) All mitigation and biodiversity enhancement requirements from Preliminary Ecological Appraisal (June 2023, PRO VISION).</li> <li>(j) All recommendations from Arboricultural impact assessment (December 2021, SJ Stephens Associates).</li> </ul> <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework), and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
41	<p><b>Protection of breeding birds during construction</b></p> <p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
42	<p><b>Lighting design strategy for light sensitive biodiversity</b></p> <p>Prior to occupation, a "lighting design strategy for biodiversity" for all development and landscaping shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites</li> </ul>

	<p>and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
43	<p><b>Biodiversity Enhancements</b></p> <p>Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.</p> <p>Reason: To secure detailed ecological mitigation and enhancement measures. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
44	<p><b>Ecological Surveys</b></p> <p>If the development hereby approved is suspended for more than 18 months from the date of this permission, the approved ecological reports shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to</p> <ul style="list-style-type: none"> <li>(i) establish if there have been any changes in the presence and abundance of protected species and</li> <li>(ii) identify any likely new ecological impacts that might arise from any changes.</li> </ul> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to works recommencing. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason: To ensure relevant impacts on biodiversity are taken into account and 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>
45	<p><b>Permitted uses within Class E (Food store)</b></p>

	<p>The development shall be used as a food store under Use Class E(a) only and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>The net internal sales area of the food store hereby approved shall not exceed 1,315sqm, and no additional internal floor space shall be created (for example by the installation of mezzanine floors), nor internal subdivision or extension, without the prior permission of the Local Planning Authority, following the formal submission of a planning application.</p> <p>This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Reason. The special justification for the Local Planning Authority in approving the application must persist, in the light of the exceptional local benefits for a discount food store in the locality. Any other use may not be acceptable on the site in accord with the advice in the NPPF. This condition is applied in accordance with the National Planning Policy Framework, and Policy ADPP1, CS14 of the West Berkshire Core Strategy 2006-2026.</p>
46	<p><b>Hours of Store Use and Deliveries (Food store)</b></p> <p>The retail unit hereby permitted shall trade only between the hours of:</p> <p>08:00hrs and 22:00hrs Monday - Saturday and 10:00hrs and 17:00hrs on Sundays.</p> <p>Deliveries to the store to be made only between 06:00hrs and 23:00hrs Monday - Saturday, and 08:00hrs and 21:00hrs on Sundays.</p> <p>Reason: In order the maintain the character of the site and surrounding area and in the interest of amenity. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007)</p>
47	<p><b>Plant, machinery and equipment (Food store)</b></p> <p>The food store hereby permitted shall not be first used until details of all plant, machinery, and equipment to be installed or operated in connection with the carrying out of this permission have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To protect the occupants of nearby residential properties from noise. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).</p>
48	<p><b>BREEAM Excellent (Food store)</b></p>



	<p>The retail unit shall achieve and Excellent rating under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No later than 3 months after the building is operational, a final Certificate must be issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for the development, and a copy provided to the Local Planning Authority.</p> <p>Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
49	<p><b>Crime prevention measures (Food store)</b></p> <p>The food store hereby permitted shall not be first used until details of all crime prevention measures have been submitted and approved by the Local Planning Authority. The crime prevention details shall include.</p> <ul style="list-style-type: none"> <li>a) Details of specifications and management of the proposed food store entrance bollards.</li> <li>b) Details and specifications of CCTV to be installed on the premises.</li> </ul> <p>The food store crime prevention measures shall be in accordance with the principles and objectives of Secured by Design.</p> <p>Reason: To ensure the development contributes to the prevention of crime prevention and anti-social behaviour. This condition is applied in accordance with the National Planning Policy Framework, Policy CS5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
50	<p><b>Mineral Extraction</b></p> <p>No development shall take place including site clearance, until a layout scheme for maximising the potential for incidental extraction where practicable has been submitted to and approved in writing by the Local Planning Authority.</p> <p>In addition, no development within a development phase shall commence until the following has been submitted to and approved in writing by the Local Planning Authority and thereafter all works for each phase shall be carried out in accordance with the methods agreed throughout the construction period:</p> <ul style="list-style-type: none"> <li>a) a method for ensuring that minerals that can be viably recovered during the development are recovered and put to beneficial use.</li> <li>b) a method to record the quantity of recovered mineral (for re-use on site or off-site) and the reporting of this quantity to the Local Planning Authority.</li> </ul> <p>Reason: To ensure the minimum amount of mineral sterilisation occurs. A pre-commencement condition is necessary, as once the development is built there will be no opportunity to design the scheme so as to maximise the potential for mineral extraction. This condition is applied in accordance with the National Planning Policy Framework and, the Replacement Minerals Local Plan for Berkshire Policies 2 and 2A, and Minerals and Waste Local Plan Policy 9.</p>
51	<p><b>Thames water network upgrades (Foul Water)</b></p>

	<p>The development shall not be occupied until details of network upgrades have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The network upgrades details shall provide confirmation that either:</p> <ol style="list-style-type: none"> <li>1) All foul water network upgrades required to accommodate the additional flows from the development have been completed.</li> <li>2) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.</li> </ol> <p>Where a development and infrastructure phasing plan are agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p> <p>Reason: To ensure Network reinforcement works to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. This condition is applied in accordance with the National Planning Policy Framework, Policy CS5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
52	<p><b>Thames water network upgrades (Water Network)</b></p> <p>The development shall not be occupied until details of network upgrades have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The network upgrades details shall provide confirmation that either:</p> <ol style="list-style-type: none"> <li>1) All water network upgrades required to accommodate the additional demand to serve the development have been completed.</li> <li>2) A development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied.</li> </ol> <p>Where a development and infrastructure phasing plan are agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p> <p>Reason - The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. This condition is applied in accordance with the National Planning Policy Framework, Policy CS5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
53	<p><b>Skills and Employment Plan</b></p> <p>No development shall take place until an Employment and Skills Plan (ESP), in relation to the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The ESP will set out the measures that the developer will take to enhance the training and employment opportunities that are offered to the local workforce in West Berkshire in the construction process. The measures set out in the ESP should be appropriate and proportional to the scale and value of the development. The ESP should set out, through a method statement, how the following priorities will be addressed:</p>

	<p>(a) Promotion of employment opportunities generated on site to the West Berkshire workforce (but not excluding those outside of West Berkshire), with a focus on those who are not currently employed.</p> <p>(b) Creation of new apprenticeship starts specific to the development site. This should include how the developer will work directly with local employment and training agencies.</p> <p>(c) Identification of training and work placement opportunities on site with discussion on how these may be promoted to local people, working directly with local employment and training agencies.</p> <p>The Employment and Skills Plan should also:</p> <p>(d) Identify a lead contact who is responsible for managing the plan.</p> <p>(e) Set out a timetable for the implementation of the ESP which, for the avoidance of doubt, shall include a start date no later than the date of commencement of development.</p> <p>(f) Set out the process for how implementation of the ESP will be monitored and reported back to West Berkshire Council.</p> <p>Thereafter approved ESP shall be implemented in full concurrent with the development of the site.</p> <p>Reason: To promote local job opportunities in the district in accordance with the National Planning Policy Framework. A pre-commencement condition is necessary because the ESP will need to be in place before any construction activities take place.</p>
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***Refusal Reason in the event the Section 106 is not completed.***

	<p><b>Refusal reason</b></p> <p>If the legal agreement or Unilateral Undertaking is not completed by the 20<sup>th</sup> June 2024, to <b>DELEGATE</b> to the Development Control Manager to <b>REFUSE PLANNING PERMISSION</b>, or to extend the period for completion if it is considered expedient to do so.</p> <p><b>S106 Planning Obligation Refusal Reasons</b></p> <p>The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure or provide an appropriate mitigation measure such as a planning obligation.</p> <p>The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:</p> <p>(a) Affordable housing, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.</p>
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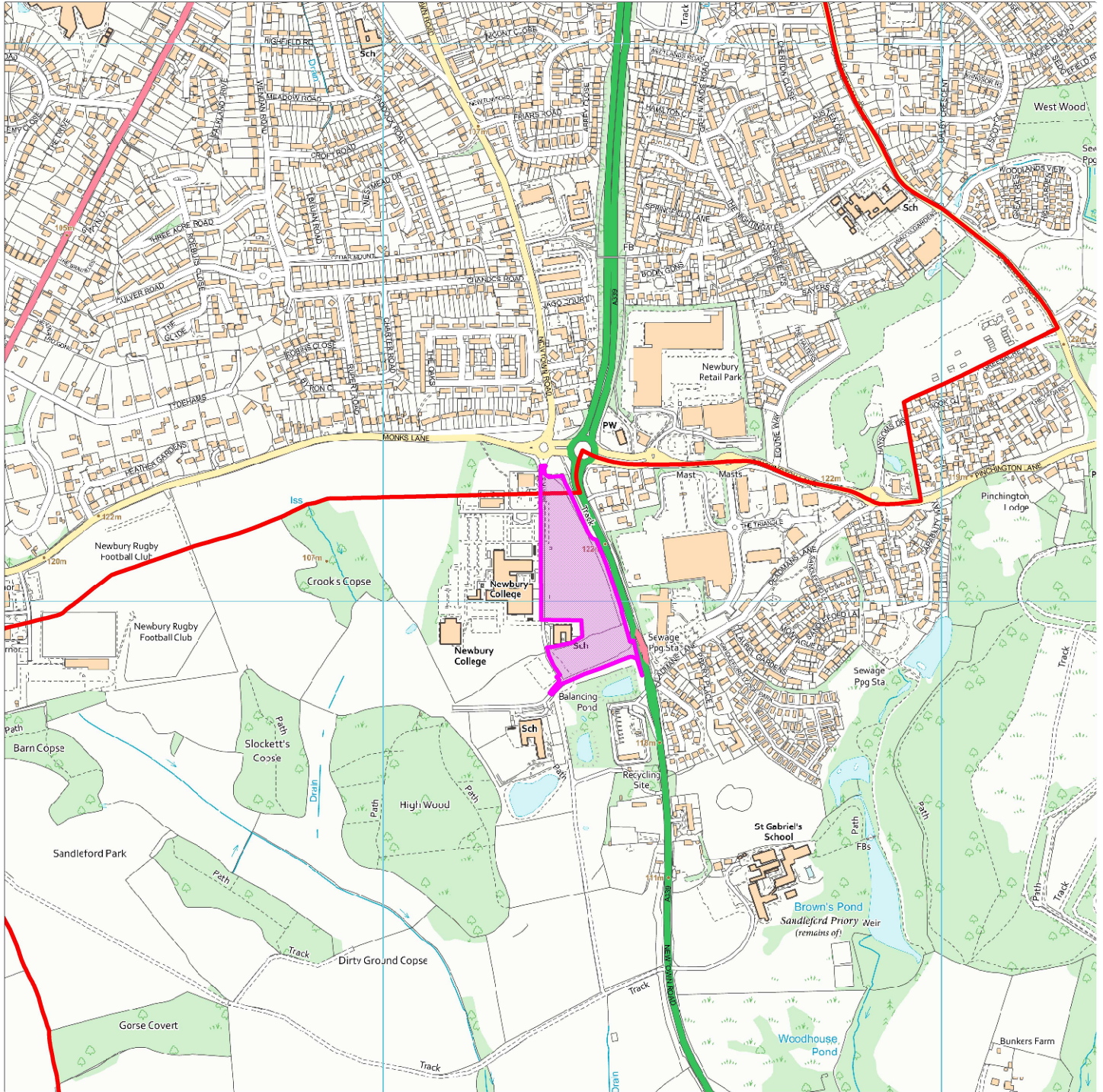
	<p>(b) Offsite Biodiversity Net Gain, without which the proposal would be contrary to the NPPF, Policy CS17 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.</p> <p>Public Open Space, Offsite Biodiversity Net Gain Enhancements, Landscape Buffers/Green Infrastructure and SUDS/Drainage Management Plan, without which the proposal would be contrary to the NPPF, Policy CS16, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Planning Obligations SPD.</p>
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### ***Informatives***

1.	<p><b>Approval - Objections/Support received.</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>Access construction</b></p> <p>The Highways Manager, West Berkshire District Council, Transport &amp; Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks’ notice, to obtain details of underground services on the applicant’s behalf.</p>
3.	<p><b>Damage to footways, cycleways and verges.</b></p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
4.	<p><b>Damage to the carriageway.</b></p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>

5	<p><b>Incidental works affecting the highway.</b></p> <p>Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport &amp; Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.</p>
6	<p><b>Removal of signs</b></p> <p>The Highway Authority has the power, under Section 69 of the Road Traffic Regulation Act, 1984 and amended by the New Roads and Street Works Act, 1991, to enter land and remove any device giving guidance or direction to persons on the highway if, at any time, it should be considered detrimental to road safety.</p>
7	<p><b>Official Postal Address</b></p> <p>Please complete and online street naming and numbering application form at <a href="https://www.westberks.gov.uk/snn">https://www.westberks.gov.uk/snn</a> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.</p>

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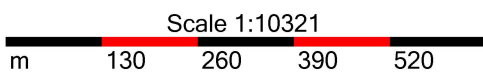
Map Centre Coordinates :

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	12 March 2024
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
4(3)	23/02799/FUL Hamstead Marshall	31 January 2024 <sup>1</sup>	Application for a temporary dwelling for a rural worker.  Watery Lane Farm, Hamstead Marshall, Newbury, RG20 0JH  Watery Lane Farm Ltd

<sup>1</sup> Extension of time agreed with applicant until 22 March 2024

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02799/FUL>

**Recommendation Summary:** To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to conditions.

**Ward Member(s):** Councillor Dennis Benneyworth  
Councillor Denise Gaines  
Councillor Tony Vickers

**Reason for Committee Determination:** Ward Member Call-in

**Committee Site Visit:** 18 March 2024

## Contact Officer Details

**Name:** Ms Lydia Mather  
**Job Title:** Principal Planning Officer  
**Tel No:** 01635 519111  
**Email:** Lydia.mather@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for a temporary mobile home for a rural worker associated with the alpaca business on site. The rural worker would be associated with an alpaca farm on the wider site. The proposal is for a mobile home within standard measurements of 20m long, 6.8m wide, 3.05m internal height, with two parking spaces. It is proposed to be located to the north west boundary and accessed via an existing access and track off Watery Lane. The mobile home would be sited close to an existing barn.
- 1.2 The site is in the countryside, outside of a settlement boundary, and within the National Landscape (previously the North Wessex Downs Area of Outstanding Natural Beauty). There is an existing access off the single carriageway of Watery Lane.

## 2. Planning History

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

Application	Proposal	Decision / Date
23/01635/AGRIC	Application to determine if prior approval is required for a proposed extension to agricultural barn.	Application required 04/09/2023
20/00770/AGRIC	Application to determine if prior approval is required for a proposed agricultural building.	Application not required 21/04/2020

- 2.2 Also relevant is planning enforcement appeal decision 2023 reference APP/W0340/C/22/3308166 (copy for information in Appendix 1)

## 3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is considered to fall within the description of development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is required. The EIA screening opinion concludes that that proposal is not EIA development and an environmental statement is not required.
- 3.2 A site notice was displayed on 17 January 2024 on a gate post; the deadline for representations expired on 7 February 2024.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). 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](http://www.westberks.gov.uk/cil)

## Consultation

### *Statutory and non-statutory consultation*

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

<b>Hamstead Marshall Parish Council:</b>	No comments made where the Parish Council meeting was inquorate for discussion on the application.
<b>West Woodhay Parish Council (adjacent):</b>	Objection. Comments: Existing approval and use of land for horses not compatible with use by alpacas at the same time. Full business plan to demonstrate a viable business and justification for the need for accommodation on site is required, along with regularisation of the existing barn on site.
<b>Kintbury Parish Council (adjacent):</b>	No objection.
<b>WBC Highways:</b>	No objection subject to conditions.
<b>Lead Local Flood Authority:</b>	No objection subject to condition.
<b>Economic Development:</b>	Support.
<b>National Landscape:</b>	No comments received.
<b>Thames Water:</b>	No comments received.

### *Public representations*

- 3.5 Representations have been received from 6 contributors, 1 of which support, and 5 of which object to the proposal.
- 3.6 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:
- Matters raised in support:
    - Site not visible from any road or footpath.
    - It is a bonafide farm committed to building a new small enterprise the Council is committed to.
    - Seen the farm enterprise grow over the last few years.
    - They lost a pregnant alpaca recently as no-one was there overnight.
  - Matters raised in objection:

- There is an outstanding enforcement notice on site and is inappropriate to consider any application for further buildings in the National Landscape.
- The National Landscape should be preserved at all costs.
- The property owner has disregarded any planning restrictions in the past.
- Application is unnecessary, there is no proper farm on site, and only arises due to the attempt to sell the farmhouse attached to the land.
- Holtwood Farmhouse was separated from the site in around 2020 which also removed a barn conversion with an agricultural tie. The separation appears contrived.
- Appeal Inspector considered the alpaca business not profitable and the site unsuitable.

## 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, CS10, CS13, CS14, CS16, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C5, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policy TRANS.1 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)
- Local Transport Plan for West Berkshire 2011-2026
- Manual for Streets
- North Wessex Downs AONB Management Plan 2019-2024
- North Wessex Downs AONB Position Statement on Housing
- North Wessex Downs AONB Position Statement on Setting
- WBC Quality Design Supplementary Planning Document (SPD)
- WBC Sustainable Drainage Supplementary Planning Document (SPD)
- Hamstead Marshall Village Design Statement
- West Berkshire Landscape Character Assessment (2019)
- North Wessex Downs AONB Integrated Landscape Character Assessment (2002)

## 5. Appraisal

5.1 The main issues for consideration in this application are:

- Principle of development
- Design, character and appearance
- Amenity
- Highways
- Flooding and drainage

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

- 5.2 The Council's Economic Development support the proposal on the basis it would help support the local economy. They consider the proposed dwelling would support the on-site operations of the alpaca business and its long-term economic viability, which would align with the aim of policy CS10 to retain small rural enterprises and foster growth in rural areas. However, their response does not extend to the policies that relate to new residential development in the countryside.
- 5.3 Policy ADPP1 sets out the District settlement hierarchy for all development. The site is below the hierarchy being open countryside where only appropriate limited development focusing on addressing identified need and maintaining a strong rural economy will be allowed. The proposal would ordinarily be contrary to policy ADPP1 unless it can be demonstrated to address an identified need and maintain a strong rural economy.
- 5.4 Policy CS1 relates to new homes. The application site is not located on land identified by the policy as that primarily suitable for new homes. It is not within settlement, a strategic site, or land allocated for residential development. As such the proposal would ordinarily be contrary to policy CS1.
- 5.5 Policy C1 has a presumption against new residential development outside of the identified settlement boundaries. It lists a number of exceptions to the presumption which includes housing to accommodate rural workers. The proposal is contrary to policy C1 unless it can be demonstrated to be an exception.
- 5.6 Policy C5 sets out the criteria against which housing relating to rural workers is to be assessed:
- i. Proven as essential to the continuing use of the land for a rural enterprise;
  - ii. Detailed evidence shows the relationship between the proposed housing and the rural enterprise and why the housing is required for a full time worker in that location;
  - iii. Demonstrated that there are no suitable alternative dwellings available or could be made available in that location to meet the need.
  - iv. Must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries;
  - v. Financial viability of the business demonstrated to justify temporary or permanent accommodation;
  - viii. No dwelling serving or associated with the rural enterprise sold or converted from a residential use or separated from the holding in the last 10 years;
- Where a new dwelling is essential to support a new rural enterprise, temporary accommodation will normally be sought for the first 3 years.
- 5.7 It is understood that the alpaca business is relatively new on site and was part of the enforcement planning appeal. The Planning Inspector concluded, based on the information submitted at that time, that the alpaca business was not profitable on its own and no information on alternative accommodation was provided. At that time one of the flats within the barn was used by the applicants to run the alpaca farm. The Planning Inspector required the residential use of the barn to cease and the bathrooms and kitchens on the mezzanine floor to be removed by 15 August 2023. The Planning Inspector also set out in the background to the appeal that the site is part of a land holding that has been split.

- 5.8 This application includes a business case which has been reviewed by an independent agricultural consultant. This was a desktop exercise and the consultant has not visited the site. They conclude that based on the information now submitted that there is an essential need for a full-time worker to live on or in close proximity to the site. This is on the basis of the welfare requirements of the alpacas. It is considered that criteria i. and ii. of Policy C5 are met.
- 5.9 With regard to the viability of the business the business plan initially stated the business will be profitable from Year 1. This was not agreed by the independent agricultural consultant on the basis the labour costs of the applicants and return on their investment had not been included. Furthermore, the basis for the figures used in the business plan was not known and no reference data was supplied. Lastly, the forecast hadn't taken into account direct costs to be able to support the projections.
- 5.10 The business plan was revised to include the costs advised by the independent agricultural consultant. This was reviewed by the consultant and they consider the business plans are now based on a sound financial basis and if the enterprise grows as predicted it would be profitable from Year 4. On this basis it is considered that it has been demonstrated that the business is financially viable and therefore the proposal meets criteria v of policy C5.
- 5.11 The independent agricultural consultant finds from local searches that there are no suitable alternative dwellings currently available locally and therefore the proposal meets criteria iv. (Their reports are available on the website but for ease are attached as Appendix 2 and 3).
- 5.12 However, the case officer found as part of their site visit that not all the kitchen and bathroom facilities had been removed as required by the Planning Inspector's appeal decision. Whilst those facilities remained they would have been capable of being used for residential purposes, albeit the flats would be unlawful.
- 5.13 The applicant confirmed that the kitchen and bathroom facilities were subsequently fully removed. The case officer visited the site again and confirmed that those works had indeed been undertaken in accordance with the requirements set out by the Inspector in determining the enforcement appeal. Neither of the flats subject to the enforcement appeal decision are now capable of being occupied. It is therefore considered that there are no suitable alternatives to the mobile home proposed. The proposal meets criteria iii.
- 5.14 Overall the principle of a new dwelling for a rural worker has now been established. In particular it has been demonstrated under criteria v that the business is sufficiently financially viable to justify temporary accommodation. No alternative dwellings are available under criteria iii where the flat within the existing barn is no longer capable of being used as residential accommodation and would comply with that part of the Inspectors decision. As such the proposal complies with policies C5, C1, and ADPP1.
- 5.15 The independent agricultural consultant considers that temporary permission is justified. They note that the applicant will need to demonstrate through full accounts that the business is financially viable at the end of the temporary period in order to comply with the policy for a permanent dwelling. Although a temporary period is usually 3 years, it is considered that 4 years would be more appropriate in this particular case. This is on the basis it would align with the business case that a profit is expected in Year 4 by September 2027 and allow a complete financial viability assessment at that time should an application for a permanent dwelling be made following expiration of the temporary permission.
- 5.16 A plan showing the land used for the alpaca farm was requested for clarity and as part of a condition linking the use of the mobile home to the land for the alpaca farm. A plan

has not been submitted. The applicant considers that as the land within the blue line of the location plan is used flexibly between the applicants and the landowner, and that the area of land to be used for the alpaca business will vary depending on the requirements and growth of the business. Not defining the land to which the business relates is not considered in itself sufficient to refuse the application. However, it is considered that it may make it more difficult in future to justify the retention of the mobile home if there is any ambiguity about how the use of the mobile home relates to the whole 8 hectare site.

- 5.17 As set out in policy C5 a condition is recommended to be applied limiting the occupation of the mobile home to those working as part of the alpaca business. With the conditions identified it is considered the application complies with policy C5.

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

- 5.18 Policy C5 includes criteria that the size, location and nature of the proposed dwelling be commensurate with the needs of the enterprise and well related to the existing farm buildings, as well as having no adverse impact on rural character or the special qualities and natural beauty of the National Landscape.
- 5.19 Policies CS14 and CS19 outline design and landscape character considerations, in particular the sensitivity of the area to change. Policy ADDP5 and the NPPF require great weight to be given to the National Landscape.
- 5.20 The information submitted with the application indicates that the footprint of the block plan would enable a three to four bedroom mobile home to be installed. This would not ordinarily be considered to be commensurate with the needs of the business; which the agricultural consultant outlined could justify one full-time worker. It would appear to be larger than the existing flat within the barn.
- 5.21 However, the enterprise includes the production of rugs for sale which involves a large loom. This requires a relatively large space – at the case officer's site visit the loom took up much of one room in the first floor mezzanine of the barn. It has been confirmed that no additional external storage is required; all storage for the business can be accommodated within the proposed footprint of the mobile home. Due to the needs of the business it is therefore considered that the proposed mobile home would be commensurate with the needs of the business.
- 5.22 The measurements of the mobile home would form a condition restricting the size of the mobile home on site. The dimensions are not considered to result in a dominant feature within the National Landscape. The mobile home would be sited towards a boundary and would keep the built form relatively clustered in the area of the site used for the alpaca farm. It would be within the site and consistent with the prevailing agricultural land use of the land, and benefits from existing screening of the landscaping to the boundary. As such it is considered to comply with policies C5, CS14, CS19 and ADPP5.

### **Amenity**

- 5.23 Policy CS14 includes quality of life considerations. The Quality Design SPD sets out amenity considerations for residential development. Due to the siting of the proposed mobile home it is not considered to impact on the amenity of other land users. There may be some impact on the occupants of the proposed mobile home where it would be in proximity to the existing barn. However, the main access to the more open area of the barn is to the other side away from the proposed mobile home.
- 5.24 As shown on the location and block plan the proposal is only for the mobile home and associated parking. The remainder of the red line is for access. The area to the east of the proposed mobile home is at a lower ground level and provides access both to the

proposed parking and to the adjacent barn. As such no private amenity area is proposed as part of the application. This is considered appropriate for a temporary dwelling that is only acceptable in this location to meet an agricultural need. Should an application be made in future for a permanent dwelling a larger curtilage would be expected to provide a private amenity area in accordance with the policy requirements at that time (currently 100m<sup>2</sup>). Overall the proposal is considered to comply with policies on amenity.

## **Highways**

- 5.25 Policy CS13 outlines highways considerations for new development. Policy P1 sets out the parking requirements for new residential development.
- 5.26 The Local Highway Authority have been consulted on the application. They consider the visibility of the existing access to the site is sub-standard, but they do not consider there to be highway safety issues. Where there are existing vehicle movements associated with the alpaca business they consider these would be partly off-set by the future occupiers of the temporary dwelling not travelling to work.
- 5.27 The Local Highway Authority have no objections subject to conditions for the provision of the proposed parking spaces, an electric vehicle charging point, and details of resurfacing for at least 5m from the carriageway into the access to reduce loose material migrating on to the carriageway which is a potential skid hazard.
- 5.28 Whilst an electric vehicle charging point would be a requirement of a permanent dwelling in this instance where the mobile home will be a temporary permission it is not considered appropriate to apply the vehicle charging condition given the infrastructure required and temporary nature of the permission being considered. With the remaining conditions identified it is considered the highways impacts of the development are acceptable and comply with policies CS13 and P1.

## **Flooding and drainage**

- 5.29 Policy CS16 requires all development to incorporate sustainable drainage measures for surface water. The Lead Local Flood Authority has been consulted on the application. They have no objection subject to a condition for details of sustainable drainage measures. With this condition the proposal is considered to comply with policy CS16.

## **Biodiversity**

- 5.30 Policy CS17 relates to biodiversity considerations. It states that biodiversity assets will be conserved and enhanced. All new development should maximise opportunities to achieve net gains in biodiversity. Additional requirements apply to local wildlife sites, biodiversity opportunity areas, habitats/species of principal importance, and landscape features of major importance for wild flora and fauna.
- 5.31 In this case the site is not a local wildlife site, it is not in a biodiversity opportunity area and does not have landscape features of major importance for habitats or species. No tree works are proposed as part of the development. As such the only element of policy CS17 considered to apply to the proposal is opportunities for biodiversity enhancement. It is considered that for a temporary dwelling comprising a mobile home there are not opportunities for biodiversity enhancements. As outlined above the red line for the proposed mobile home does not include a private amenity area and no additional landscaping is proposed or required for the temporary dwelling. The roof of the mobile home would not be suitable for the inclusion of bat tiles. For these reasons the proposal is considered to comply with policy CS17.



- 5.32 Should an application be made in future for a permanent dwelling with associated domestic curtilage and landscaping the biodiversity policy requirements would be applicable and that time and enable full consideration and maximum opportunities for biodiversity enhancements such as bat tiles, bat and bird boxes.
- 5.33 In respect of ecological impacts, the application site is in an existing agricultural use. Officers are satisfied that the use of the site for the alpaca business is agricultural. Those works required to place a mobile home on the site would be, by virtue of their nature, temporary, and as such not considered to generate any ecological impact of any nature and extent beyond that of the existing agricultural land use on the site and such works as might be accomplished under that land use.

#### **Other matters**

- 5.34 Objections to this application refer to the unauthorised works undertaken to extend the barn which were, along with the unauthorised creation of residential accommodation within the barn, subject of an enforcement appeal. They refer to the fact that to date the barn has not been reverted to its approved form. However, these works are not themselves, subject of this planning application, and are being addressed via a separate process. These matters therefore do not rightly form part of the consideration of this application, except in as much as the unauthorised residential accommodation formerly located within the barn has now been removed as required by the appeal decision.

## **6. Planning Balance and Conclusion**

- 6.1 The proposed development would contribute to the rural economy in terms of the alpaca business, which represents a legitimate small business that is supported by policy, and it has been demonstrated that there is a need for a rural worker to be based nearby to ensure that the needs of this business can be met. The proposal is acceptable with regard to amenity and biodiversity, and can comply with policies on highways and drainage by the imposition of conditions.
- 6.2 It has been demonstrated that the business plan is financially sound and justifies temporary accommodation on site whilst the business becomes established and is predicted to make a profit in Year 4. The unauthorised flats within the barn are no longer capable of being occupied as residential accommodation within the existing barn on site. The independent agricultural consultant confirms there is no other suitable accommodation nearby. A temporary permission for 4 years is considered appropriate and linked to the land used for the alpaca farm.
- 6.3 Whilst the proposed mobile home would also be larger than required for a rural worker the additional space is considered justified on the basis it would also be able to accommodate the rug making part of the enterprise. The proposed area and size for the mobile home is considered acceptable in its impact on the rural area and National Landscape.
- 6.4 Having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application complies with the development plan and is recommended for conditional approval.

## **7. Full Recommendation**

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

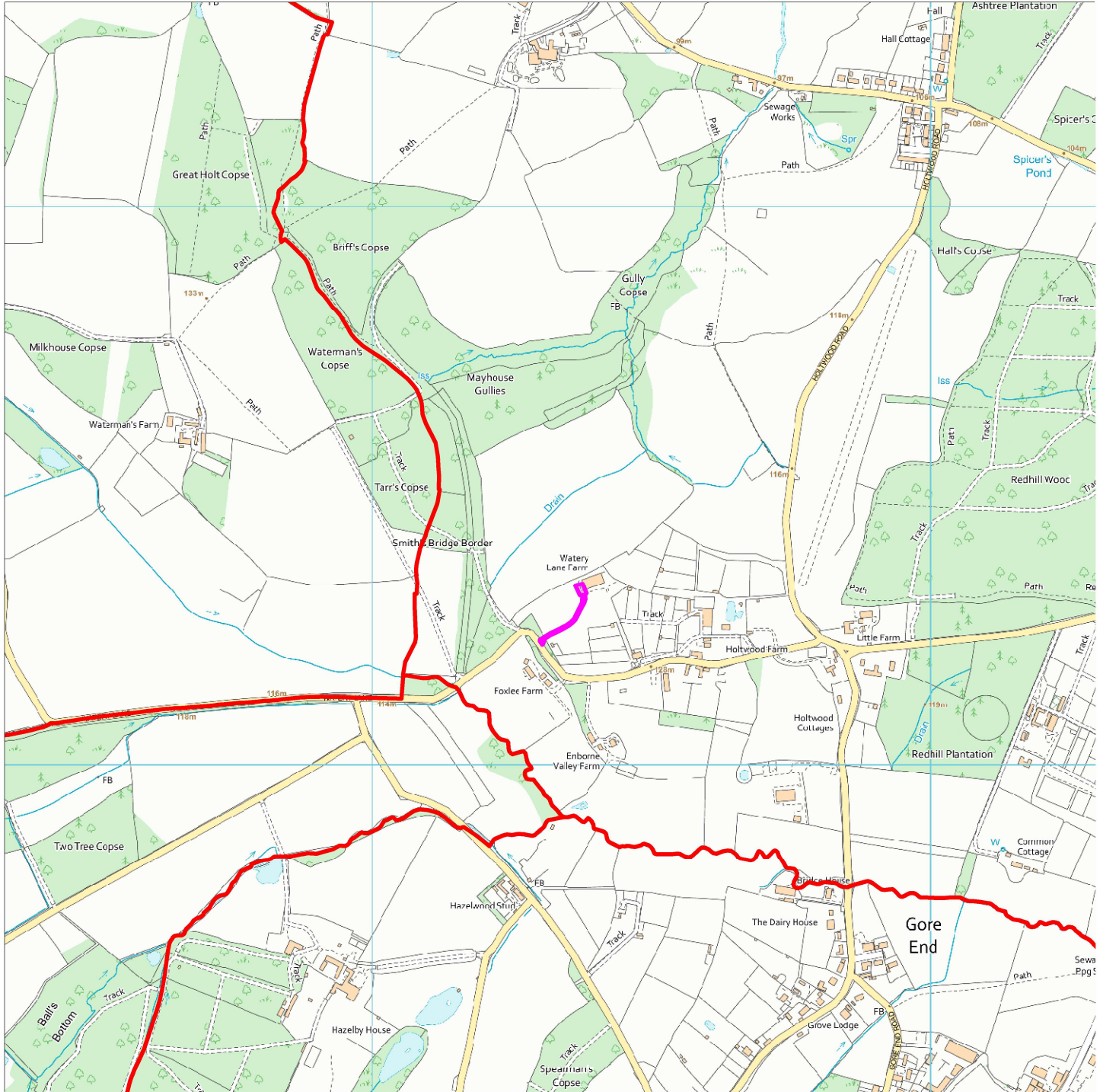
## Conditions

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan J008512-01 Rev A Block Plan J008512-02 Document detailing standard mobile home measurements</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Mobile home dimensions</b></p> <p>The mobile home hereby approved shall conform to The Caravan Act. The mobile home shall be sited within the red line of the location plan, have a single level, and be no more than 20m long, 6.8m wide, and 3.05m high (internally from the floor at its lowest to the ceiling at its highest).</p> <p>Reason: The mobile home has been assessed on the basis of the information submitted. A larger mobile home may not be acceptable in terms of identified need or in impact on the rural character of the area and National Landscape. This condition is imposed in accordance with the National Planning Policy Framework and Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy C5 of the West Berkshire Housing Site Allocations DPD 2006-2026.</p>
4.	<p><b>Surfacing of access</b></p> <p>The mobile home hereby permitted shall not be occupied until the vehicle access to the highway has been surfaced in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access(es) for a distance of 5metres measured back from the carriageway edge.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
5.	<p><b>Parking</b></p> <p>The mobile home hereby permitted shall not be occupied until the vehicle parking spaces have been surfaced, and provided in accordance with the approved plans. The parking shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

6.	<p><b>Surface Water Drainage</b></p> <p>The mobile home hereby permitted shall not be occupied until sustainable drainage measures have been implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The details shall include how surface water from the roof of the mobile home will be managed and consideration to green sustainable drainage and water re-use (for example water butts).</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner, to improve and protect water quality, habitat and amenity in accordance with the National Planning Policy Framework, policy CS16 of the West Berkshire Core Strategy 2006-2026 and the Sustainable Drainage SPD 2018.</p>
7.	<p><b>Agricultural tie</b></p> <p>The occupation of the mobile home shall be limited to a person solely or mainly employed and/or working as part of the alpaca farm business on site at Watery Lane Farm.</p> <p>Reason: A dwelling in this location is only acceptable because it provides essential accommodation for a rural worker on site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the Housing Site Allocations DPD 2006-2026.</p>
8.	<p><b>Temporary permission (restoration)</b></p> <p>The mobile home hereby permitted shall be for a limited period, being the period of 4 years from the date of this decision. The use of the mobile home hereby permitted shall be discontinued and the mobile home shall be removed from site and the land restored to its former condition on or before 31 March 2028 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.</p> <p>Reason: The mobile home is required to meet a particular need on a temporary basis whilst the rural business seeks to become established; a permanent dwelling in this rural location would not normally be acceptable in principle under development plan policies. This condition is imposed in accordance with policies ADPP1 and CS1 of the West Berkshire Core Strategy 2006-2026, policies C1 and C5 of the West Berkshire Housing Site Allocations DPD 2006-2026 and the National Planning Policy Framework.</p>

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Watery Lane Farm, Hampstead Marshall RG20 0JH



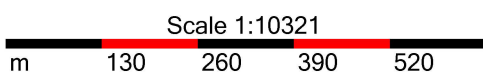
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	07 March 2024
<b>SLA Number</b>	0100024151



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## Appeal Decision

Site visit made on 7 February 2023

**by Simon Hand MA**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 February 2023**

**Appeal Ref: APP/W0340/C/22/3308166**

**Land at Land Adjacent to Holtwood Farm, Hamstead Marshall, NEWBURY, RG20 0JH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Kevin Barbey against an enforcement notice issued by West Berkshire District Council.
- The notice was issued on 23 August 2022.
- The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the Land to a mixed use of agriculture and residential by way of: 1. The siting of a touring caravan for purposes associated with the unauthorised residential use. Without planning permission, the unauthorised development of agricultural land by way of: 1. The erection of a new building which contains 2no residential flats on a mezzanine level including kitchens, bathrooms, bedrooms and other domestic paraphernalia. 2. The erection of a new building which contains an equine facility on the ground floor including stables and other equine paraphernalia. 3. The erection of a new building which has not been constructed in accordance with plans submitted under planning application 20/00770/AGRIC and includes additional fenestration, doorways, a substantially increased footprint and other openings.
- The requirements of the notice are: (a). Cease the unauthorised residential use of the Land the extent of which is identified within the redline plan attached and located approximately within the green shaded area. (b). Remove the mobile home and all paraphernalia associated with the unauthorised residential use from the Land, the extent of which is identified within the redline plan attached and located approximately within the green shaded area. (c). Demolish the new building and remove all other items and paraphernalia associated with the unauthorised development from the Land, the extent of which is identified within the redline plan attached and located approximately within the red shaded area. (d). Remove from the land all resultant materials from the compliance of steps b – c and restore the Land to the condition it was in prior to commencement of the unauthorised development.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (e), (f), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

### Decision

1. It is directed that the enforcement notice is varied by deleting requirements (c) and (d) and replacing them with "*(c) reduce the length of the barn by 6m; (d) permanently cease the residential use of the barn and remove from the mezzanine floor all bathrooms and kitchens; (e) Remove from the land all materials arising from the compliance of steps (b) – (d) above*".
2. Subject to these variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Background to the Appeal**

3. The site is part of a larger land holding on which an equine business is run. Planning permission has been granted for the whole area of land for mixed agriculture and equine uses. The land holding was split and the appeal site part is now run by the appellant, who was an employee of the original equine business. The equine business operates on the rest of the land.
4. The appellant has decided to run an alpaca farming business from the site and employs a couple to manage the day-to-day operation of the farm. The prior approval process was completed for a barn in March 2020 and a barn was constructed on the site. However, it is considerably larger than that shown on the plans that were submitted with the prior approval process, has doors in different places and on the mezzanine floor (which was shown on the plans as storage) there are two residential flats. Clearly the barn does not benefit from the prior approval process and is, as it stands, unlawful.

### **The Appeal on Ground (e)**

5. The appellant claims never to have received a copy of the enforcement notice and only heard about it from the Parish Council. However, the Council say they sent it by recorded delivery to his home address and it was emailed to the 2 email addresses on the Land Registry entry. The appellant has not claimed the physical or electronic addresses to be inaccurate. In any event, he is aware of the notice and has made an appeal so even if he did not receive a copy of the notice there has been no injustice. The appeal on ground (e) fails.

### **The Appeal on Ground (b)**

6. This appeal relates only to the second allegation of the erection of a building containing an equine facility including stables and other equine paraphernalia. The Council say that on their visit they saw the floor of the barn was covered in a rubber crumb that is usually associated with an indoor manege. They also saw equine paraphernalia. However, there is no evidence of any horses in the barn, or of an actual equine use. The appellant explains the rubber crumb was simply left over from a bulk order by the equine business and used to provide a damp free floor to store hay on. The owner of the equine business supports that explanation and says categorically that no horses have been in the barn. Various photographs over time show the barn being used for storage of hay and farm machinery and that was the case when I visited. On the balance of probabilities therefore I would conclude there has not been an equine use established in the barn. I shall delete that part of the allegation.

### **The Appeal on Ground (a)**

7. This appeal turns on the need for a barn that is larger than that described during the prior approval process and the need for 2 flats to be incorporated into the mezzanine floor.
8. Firstly the appellant argues there is only 1 flat. On my site visit I saw that half the mezzanine had been converted into residential accommodation, with a living room/diner/kitchen, a separate bathroom and separate bedroom. This is to house the couple who run the alpaca farm. The other half of the mezzanine floor would seem to be set up in the same way, that is a second self-contained residential unit has been created. But this is used, apparently, as a staff restroom. It did not look as if it was currently lived in, although the bed was



- made, but it did contain all the facilities necessary for day to day living and despite its current use I would conclude the allegation of 2 residential flats was accurate.
9. It was not explained why there needed to be a separate staff room, when the staff had their own flat. There is downstairs another toilet and sink area, and a large garage space, which contained some small agricultural vehicles but also a sofa, chairs and a dart board. So there seemed to be plenty of staff space downstairs. The rest of the barn, that is most of it, was used for storage of hay and large agricultural tractors etc. No argument has been made that there needs to be 2 flats as well as the facilities downstairs and I shall treat the ground (a) as being for a single residential unit.
  10. Policy C5 is the relevant policy for rural workers dwellings and sets out various criteria that need to be fulfilled to enable a dwelling in the countryside to go ahead. This includes the usual requirements to demonstrate a person or persons need to live on site, there is nowhere else they can live, and the business is financially viable. It explains that in the case of new rural businesses a temporary period of 3 years is usually required to show the business is viable. Usually in those cases a mobile home is brought onto the land.
  11. The business here is an alpaca farm. The animals are bred for sale, and for stud, as well as their wool being collected and turned on-site into yarn for sale. I saw a loom in the downstairs part of the mezzanine where wool was turned into yarn. A business plan has been provided showing the business is financially sound.
  12. However, I agree with the Council, the business plan is really nothing more than a series of hopeful guesses as to how much money they can get from the sale of animals and yarn. It is possible, that if everything goes well, the farm may well make the profits suggested, but in my experience the optimistic projections of income are often not realised in the first few years of operation, as a business develops and finds its markets. In fact over half the income comes from renting grazing land back to the equine business and selling hay. The alpaca business, for which the accommodation is required, is clearly not profitable on its own.
  13. In my view very little evidence has been provided to show how the criteria of policy C5 have been met. No information on alternative accommodation has been provided. I have considerable experience of alpaca farm appeals and in my view the need for constant attention that the alpacas apparently require is somewhat exaggerated. Looked at another way, the appellant has decided to farm an animal that is clearly unsuited to English conditions unless it is attended to on a daily basis by someone living on site. On that basis he needs to provide accommodation where there is none. That suggests to me the site was unsuitable for alpaca farming in the first place as the Council have strict policies on rural dwellings. The dwelling here is clearly contrary to C5 and should not be granted planning permission.
  14. The barn itself is larger than that approved. However, the appellant has suggested it can be reduced in size by removing 1 bay, to bring it within the original floor plan, and has provided a quote from a company for the work. I agree with the Council that it is a very large structure and although it is set down partially below ground level it is still massive and highly visible. I do not

think its impact can be reduced by screening. There is also an issue that some of the machinery stored there appears to be for contracting out to other farmers. This is not an agricultural use but a separate business which would require planning permission. No details of that use have been provided but it adds to the sense the barn is too big for the needs of the holding. It is therefore contrary to policy CS14 and CS19 as it fails to respect the landscape on the AONB.

15. It was far from full when I visited and a portion of it is taken up by the unlawful residential use. That said, had it been built in accordance with the plans it would still have been large. There was no dispute at the time that the barn was necessary for the agricultural needs of the unit – although it is clearly insufficient for the alpaca business as a string of alpaca sheds have been erected along the outside wall to house the alpacas in the bad weather. Nevertheless, to require it to be pulled down would be unnecessary to remedy the harm when another smaller one could be built and is likely to be given the need to store hay and various agricultural machines. If the barn were reduced by 1 bay and the residential units removed that would return the holding to the situation it should have been in when the prior approval process was completed.
16. The appellant suggests the residential unit should be granted a temporary 5 year permission to enable the business to be established. Ordinarily such a suggestion would have come before the business was begun and temporary accommodation such as a mobile home would be used. It would have been accompanied by a report showing that no alternative accommodation had been considered, the business was planned on a sound footing and that permanent on-site presence was necessary. None of that is available at this time, so I do not think a temporary permission is acceptable.
17. The notice also refers to a caravan that was on site. This has been removed so that part of the notice has been complied with.

### **The Appeal on Ground (f)**

18. I agree the requirements are too onerous in that the barn need not be removed in its entirety. I shall vary the requirements to enable it to remain albeit reduced in length by 6m. Although the downstairs toilet and sink are acceptable facilities for a farm, the two upstairs flats are not and should be removed. I shall thus retain requirements (a) and (b) as they have been complied with. I shall delete requirements (c) and (d) and add new requirements to reduce the barn by 6m in length and to cease the residential use in the barn and remove the bathrooms and kitchens from the mezzanine floor.

### **The Appeal on Ground (g)**

19. Given the various changes I have outlined above, a period of 6 months would seem perfectly acceptable. I am not convinced that the works quoted for to reduce the barn in size should take longer than that.

*Simon Hand*

INSPECTOR

## Appendix 2 - Initial Independent Consultant Report



**READING  
AGRICULTURAL  
CONSULTANTS**

Gate House  
Beechwood Court  
Long Toll  
Woodcote  
Reading RG8 0RR  
Tel: 01491 684 233  
rac@reading-ag.com  
www.reading-ag.com

Your Ref: 23/02799/FUL  
Our Ref: 10273-Im

19 January 2024

### **For the attention of Lydia Mather**

Planning and Development  
West Berkshire Council  
Market Street  
Newbury  
Berkshire  
RG14 5LD

Dear Ms Mather,

**Site: Watery Lane Farm, Hamstead Marshall, Newbury RG20 0JH**  
**Application: 23/02799/FUL**  
**Proposal: Application for a temporary dwelling for a rural worker**

Thank you for your instruction dated 10 January 2024 requesting Reading Agricultural Consultants Ltd (RAC) comments on the above application.

In preparing this response I have had regard to the Planning Statement and Supporting Business Statement (dated November 2023) prepared by the applicant's agent, The Rural Planning Co, and the associated plans.

A confidential Business Case for the applicants' business titled, Watery Lane Farm Ltd, has been provided. The company was incorporated on 10 September 2022 with three named directors, Sophie Evans and Conan MacDermott, the applicants, and Kevin Barbey, the landowner (resigned on 29 November 2023).

I have viewed the Appeal Statement and Decision for APP/W0340/C/22/3308166 in relation to breaches of Planning Control at the application site, which include the siting of a touring caravan, erection of a new building which contains 2no residential flats, erection of an equestrian building and a building erected not in compliance with the approved plans relating to 20/00770/AGRIC. The Appeal was dismissed and the enforcement notice upheld following variations to the wording in the 15 February 2023 decision.

I have not visited the application site nor discussed the application with the applicant or agent.

### **Background**

1. The application site extends to approximately 8.2 hectares (20 acres) and is owned by Mr Kevin Barbey, [REDACTED] of the applicant Conan MacDermott. It is understood [REDACTED] [REDACTED] Mr Barbey has given full permission for the applicants to work and live on the site.



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2. The site benefits from Prior Approval under 20/00770/AGRIC for a storage building measuring 30.6m x 18.5m however the barn that was built measures 36.7m x 18.5m The Enforcement Appeal Decision upheld the breach of planning permission. A further Prior Approval application was submitted by the applicant (ref 23/01635/AGRIC) and the Council determined an application is required. RAC is not aware that any further planning application to retain the 6m extension has been submitted to the Council.
3. The applicants operate an alpaca breeding and rearing enterprise with the intention to develop this over the three year business plan period. They intend to reach 30 breeding females on site which will use their own male studs for breeding.
4. At the time of the November 2023 Business Statement it notes there were 23 alpacas on site and 6 sheep. The alpaca herd includes 12 pregnant females and it is understood that these are due to give birth in Summer 2024. The applicants will also offer off-site stud services with their male alpacas which will be charged at [REDACTED] per mating.
5. The applicants intend to improve the genetic lines of the alpacas, selling some offspring for income and keeping the remainder for herd expansion. The applicants intend to have 32 alpacas on site in Summer 2024 following sales, which are anticipated to include two young males and one pregnant female in Year 1 of the business plan, one young female, six young males and three pregnant females in Year 2 and four young females, eight young males and four pregnant females in Year 3.
6. In addition, all fleeces will be sold for weaving each year providing one of the main sources of income. The applicants are aiming to produce up to 90kg of fibre in the spring of 2024 and this will automatically increase as herd numbers increase.
7. It is detailed that the applicants will keep the male and female alpacas separated for the year excluding the mating season in order to ensure there is no unplanned contact or mating. It is unknown how the applicants will separate the male and female alpacas on the 8 hectare site.
8. The applicants intend to have staggered births and cria will be weaned at around 6 months old, or when they reach 25kg in weight.
9. It is understood that at the time of the Enforcement Appeal, the applicants were residing on site in the unauthorised building which comprised the two residential flats. The Appellants Appeal Statement confirmed that a single flat had been created for Conan and Sophie to reside in. The Statement did not confirm how many alpacas were on site as at October 2022 but it is understood that there were four pregnant females.
10. The Business Statement details that Sophie Evans lives at [REDACTED] (11 miles away). It is not known where Conan MacDermott resides in relation to the application site.
11. Appendix 1 details the daily labour routine when young bottle fed cria are on site. It notes the applicants arrive at the farm at 6am and leave the site at 1am with additional overnight checks for any cria or alpaca requiring additional attention.

## **Proposal**

12. The application proposes the temporary siting of a mobile home to be sited adjacent to the prior approval barn to be occupied by a full-time rural worker – the applicants.

## **Relevant Planning Policies**

13. National planning policy guidance for development in the countryside is set out in the National Planning Policy Framework (NPPF) updated in September 2023.

14. Paragraph 11 of the NPPF sets out the core land-use planning principles that should be adopted and these expressly include:
- A presumption in favour of sustainable development;
  - Positively seek opportunities to meet the development needs of the area and be sufficiently flexible to adapt to rapid change;
  - Provide for objectively assessed needs for housing and other uses;
  - Approving development proposals that accord with an up-to-date development plan without delay; and,
  - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission.
15. Paragraph 38 requires that decision makers:
- should approach decisions on proposed development in a positive and creative way;
  - work proactively with applicants to secure developments that will improve the economic; social and environmental conditions of the area;
  - seek to approve applications for sustainable development where possible.
16. Section 6 of the NPPF is concerned with ‘Building a strong, competitive economy’ and at paragraph 81 it notes:
- “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.. ...”*
17. At paragraph 84 ‘Supporting a prosperous rural economy’ it notes:
- “Planning policies and decisions should enable:*
- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
  - b) The development and diversification of agricultural and other land-based businesses;...”*
18. New Planning Practice Guidance titled ‘Housing Needs of Different Groups’ (July 2019) provides some guidance relevant to paragraph 80 of the NPPF in the section ‘*How can the need for isolated homes in the countryside for essential rural workers be assessed?*’
19. These include:
- *Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
  - *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
  - *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
20. It further notes that: *“Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings”.*
21. Paragraph 176 et seq states:

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

*When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

22. Policy CS10 of the West Berkshire Core Strategy is concerned with the ‘Rural Economy’ and notes:

*“...existing small and medium sized enterprises within rural areas will be supported in order to provide local job opportunities and maintain vitality of smaller rural settlements”*

23. The application site is in the North Wessex Downs AONB. Section 4 of ‘The Management Plan 2014-2019’ is concerned with ‘Land Management’ and notes that farmland and woodland dominate the landscape of the North Wessex Downs and that land-based enterprises play a significant role in acting as stewards of the landscape and contributing to an economic balance for communities. In particular at section 4.1 it notes:

*“Profitable agriculture can sustain the natural resources that have created rich diversity and natural beauty of the North Wessex Downs. Support for an efficient farming sector is an important means of securing landscape management, as demonstrated thorough the North Wessex Downs”.*

## **Appraisal**

### Assessment of the Temporary Dwelling

#### Essential Need

24. In order to demonstrate that there is an essential need for a rural worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available most of the time.
25. An assessment of the essential need for a rural worker to live at or near their place of work requires:
- an evaluation of the risks involved;
  - the frequency and type of out-of-hours emergency that might arise;
  - the scale and loss that could be incurred should that emergency situation occur;
  - the potential for an on-site worker to identify the problem; and
  - the ability of that resident worker to promptly rectify the problem.

26. Legislation requires that all animals are managed in a manner that accords them freedom from thirst; hunger and malnutrition; appropriate comfort and shelter; freedom from fear; freedom to display the most normal patterns of behaviour; and it is accepted that without good stockmanship, animal welfare can never be adequately protected.
27. Under the Animal Welfare Act 2006 and The Welfare of Farmed Animals (England) Regulations 2007 it is an offence to cause unnecessary suffering to any animal. The Act also contains a Duty of Care to animals which means anyone responsible for an animal must take all reasonable steps to make sure the animal's needs and its welfare are met. The overall responsibility or 'duty of care' for animal welfare at the application site will lie with the applicants.
28. A Welfare Guide (2014) for Alpacas and Llamas is produced by the British Alpaca Society which reemphasizes the above Duties of Care and that owners of such animals must have the necessary training and experience. The applicants have that experience.
29. In the case of applicants' livestock enterprises, the essential need arises from:
  - the close supervision, management and daily nutrient requirements of all livestock on the farm either in paddocks or in the shelters, which includes a late evening check;
  - the regular inspection of all livestock whether housed or at grass for any signs of disease or distress and to rectify the problem promptly;
  - the close supervision and round the clock supervision of any alpaca or sheep breeding stock before, at and immediately after birth;
  - alpacas have an average gestation period of 345 days but it can vary from 330 to 370 days which require more attention prior to birthing than sheep or pigs;
  - provision of security for animals from theft or malicious attack; and
  - dealing with unforeseen emergencies such as abnormal weather conditions which can cause distress to all livestock, or a fire.
30. Specific issues for alpacas are set out in the paragraphs below.
31. Mating – alpaca mating is an intricate, managed process and not as straight forward as that for other conventional farm animals. Alpacas are *induced ovulators* and do not display normal signs of heat and therefore require careful preparation and supervision to ensure fertilisation occurs at the right time. It is important to repeat the mating for the following 2 to 3 days to ensure successful fertilisation.
32. Abortions and still-births – these can be due to stress-related factors from 30 days after conception and the presence on site of an experienced stockperson to identify any problems and reduce stress is important.
33. Birthing – alpacas do not have a closely defined gestation period with typical gestation periods varying from 320 to 360 days. With females being able to give birth at any point during this period, it is difficult to predict the timing of the birth with any accuracy and, if assistance is required at parturition, this would only be apparent if the animal was observed by the stockperson to be in some difficulty. RAC accepts that living on site or close by would minimise this risk.
34. Rearing – lack of colostrum and milk for the cria from its mother following birth is not uncommon and the cria may require artificial rearing. This can be time consuming for the stockperson with

the cria requiring 2-hourly feeds day and night for the first two weeks of life, then 3-hourly feeds to eight weeks of age and finally 3-times-daily to four months.

35. Health – livestock should be inspected frequently for signs of illness, distress or injury. It is general accepted by alpaca breeders that alpacas are notorious for hiding symptoms of disease or poor wellbeing. An on-site presence allows for constant vigilance by the stockperson and if serious health issues arise they can be treated rapidly.
36. Unforeseen incidents – these can occur at any time of day or night and cover a wide range of situations from dealing with a young cria caught in stock netting to a dog attack.
37. Security – this is an issue on any livestock farm and the applicant’s farm is no different. However, I am not aware that the applicant has experienced any security issues at the application site.
38. There is no standard labour data for alpaca enterprises but RAC considers that the labour requirement in terms of Standard Work Days (SWDs) for the business are set out below:

	<b>SMD/animal</b>	<b>Size</b> <b>Year 1</b> <b>(2023/24)</b>	<b>Total SMDS</b>	<b>Size</b> <b>Year 3</b> <b>(2025/26)</b>	<b>Total SMDS</b>
<b>Alpacas (breeding females)</b>	8	16	128	26	208
<b>Alpacas (other)</b>	4.5	19	85.5	33	148.5
<b>Sub Total</b>			213.5		356.5
<b>15% management &amp; maintenance</b>			32.02		54.47
<b>Total</b>			245.52		409.97
<b>No of workers at 275 SMD/Worker</b>			0.89		1.49

39. Based on these proposed labour requirements for the agricultural business and its development, RAC considers that there is a justified and essential need requiring a full-time worker to be resident on site in order to meet the daily management and welfare requirement of the livestock on site.
40. RAC would note that if the Council is minded to approve the temporary rural worker’s dwelling for a 3 year period, the applicants will need to demonstrate that they have achieved the proposed expansion in livestock numbers as detailed in their business plan for any future extension of the temporary permission or an application for a permanent dwelling is submitted.

Financial Viability and Sustainability

41. The NPPF deals with the concept of sustainable development at a strategic rather than an individual enterprise level. In terms of economic development, it is concerned with contributing to and building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
42. RAC considers that in order for any business to demonstrate viability, it should be generating profits sufficient to provide a return on the capital invested – in agriculture/equestrian a figure of 2.5% is usually cited; reward the owner for any unpaid labour – equivalent to the national minimum wage; a notional return on land and, provide for the build cost of the proposed dwelling.
43. A Confidential Business Plan has been provided with individual budgets and gross margins for each year. However, the basis for the figures used is unknown as no reference data is provided.



44. For note, RAC would calculate the notional return to land is equivalent to £1,230 (8.2 ha of owned land at £150/ha), the notional charge for a full-time worker at minimum wage is £22,600 and sensitivity analysis for £100,000 invested in the business would be a return of £2,500. If the business is demonstrated to be viable and sustainable after a three year temporary permission period, build costs for the dwelling would be calculated at an interest charge of 4%.
45. The Confidential Business Plan does not take into consideration labour costs for Conan or Sophie working in the business. RAC considers that the business should need to be able to support at least one full time worker.
46. The Confidential Business Plan identifies that the business will be profitable from Year 1 however as detailed, this does not include labour costs or return on investment. In addition, the Whole Farm Forecast in Appendix 2 does not take into account the direct costs within the Breeding and Fleece Gross Margins. Therefore, RAC would recommend the Council seek some clarification on the projections within Appendix 2.
47. RAC would note that if the Council were minded to approve the planning application for a temporary rural worker's dwelling then the applicant's business plan and developing enterprises would be thoroughly tested over the next three years. However, the applicant needs to be aware that if approval were to be granted for a temporary dwelling, then the enterprises need to have developed as proposed and full financial information would be required. This would be fully scrutinised at the end of the three year period where an application for a permanent dwelling for a rural worker is submitted. The business will have to have demonstrated that it is profitable, financially viable and sustainable.
48. In the event that at the end of the three year time period and the applicant's business was not proven to be viable, the Council will have the authority to have the temporary dwelling removed and the land restored to its original condition.

#### Alternative Dwellings

49. The Business Statement details a search of Rightmove in September 2023.
50. RAC is not aware of any other dwellings in the locality that are suitable and available that would meet the essential needs of the enterprise.
51. A search of Rightmove at the time of writing this appraisal shows 1 property for sale within 1 miles of the application site. It has a guide price of £625,000 which is considered beyond the affordability of a rural worker and is not within sight or sound of the farm to meet any essential need.

#### **Conclusion**

52. The proposal before the Council is for the siting of a mobile home to provide accommodation for a full-time agricultural rural worker for a temporary three year period.
53. The applicants will reside in the temporary dwelling. As such the property will be occupied by a full-time rural worker employed in the agricultural business at the application site.
54. The dwelling will be sited in close proximity to the existing building approved under 20/00770/AGRIC. It will meet the proposed essential needs of the developing enterprise and ensure that the management, health and welfare of all livestock kept on the holding is not compromised.
55. RAC considers that the increase in numbers of breeding alpacas on site would lead to an essential need for a full-time worker to reside on site.

56. RAC does not consider at this stage that the Financial Projections included in Appendix 2 of the Business Statement have been planned on a sound financial basis. The Projections do not take into account the Direct Costs associated with the alpacas on site.
57. There are no other suitable and available dwellings in the locality that can meet the identified established essential needs of the farming business.

I trust these comments are helpful.

Yours sincerely

██████████

# Appendix 3 - Final Independent Consultant Report



READING  
AGRICULTURAL  
CONSULTANTS

Gate House  
Beechwood Court  
Long Toll  
Woodcote  
Reading RG8 0RR  
Tel: 01491 684 233  
rac@reading-ag.com  
www.reading-ag.com

Your Ref: 23/02799/FUL  
Our Ref: 10273-Im2

06 March 2024

**For the attention of Lydia Mather**  
Planning and Development  
West Berkshire Council  
Market Street  
Newbury  
Berkshire  
RG14 5LD

Dear Ms Mather,

**Site: Watery Lane Farm, Hamstead Marshall, Newbury, RG20 0JH.**  
**Application: 23/02799/FUL**  
**Proposal: Application for a temporary dwelling for a rural worker**

Thank you for your instruction dated 1 March 2024 requesting Reading Agricultural Consultants Ltd (RAC) provide additional comments on the above application.

In preparing this additional response I have had regard to further financial information provided by the applicants for the business development over a four year period (September 2023 to October 2027) which include direct costs for the alpaca breeding and rearing enterprise.

RAC previously appraised the application (RAC ref 10273-Im dated 19 January 2024) and concluded:

*“The proposal before the Council is for the siting of a mobile home to provide accommodation for a full-time agricultural rural worker for a temporary three year period.*

*The applicants will reside in the temporary dwelling. As such the property will be occupied by a full-time rural worker employed in the agricultural business at the application site.*

*The dwelling will be sited in close proximity to the existing building approved under 20/00770/AGRIC. It will meet the proposed essential needs of the developing enterprise and ensure that the management, health and welfare of all livestock kept on the holding is not compromised.*

*RAC considers that the increase in numbers of breeding alpacas on site would lead to an essential need for a full-time worker to reside on site.*

*RAC does not consider at this stage that the Financial Projections included in Appendix 2 of the Business Statement have been planned on a sound financial basis. The Projections do not take into account the Direct Costs associated with the alpacas on site.*



Reading Agricultural Consultants Ltd

Registered Office as above Company No. 3282982 Registered in England



*There are no other suitable and available dwellings in the locality that can meet the identified established essential needs of the farming business.”*

## **Appraisal**

### Financial Viability and Sustainability

1. The NPPF deals with the concept of sustainable development at a strategic rather than an individual enterprise level. In terms of economic development, it is concerned with contributing to and building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
2. RAC considers that in order for any business to demonstrate viability, it should be generating profits sufficient to provide a return on the capital invested – in agriculture/equestrian a figure of 2.5% is usually cited; reward the owner for any unpaid labour – equivalent to the national minimum wage; a notional return on land and, provide for the build cost of the proposed dwelling.
3. A Confidential Business Plan had been provided with individual budgets and gross margins for each year. However, the basis for the figures used in the calculations was unknown as no reference data is provided. This remains the case with the additional financial forecasts now provided to the Council in February 2024.
4. For reference, RAC would calculate that the notional return to land is equivalent to £1,230 (8.2 ha of owned land at £150/ha), the notional charge for a full-time worker at minimum wage is £22,600 and sensitivity analysis for £100,000 of capital invested in the business would be a return of £2,500. If the business is demonstrated to be viable and sustainable after a temporary permission period being granted, build costs for the dwelling would be calculated at an interest charge of 4%.
5. The Whole Farm Forecast (WFF) profit and loss projections submitted to the Council in February 2024 for the alpaca enterprise include the notional costs as set out above. The inclusion of these notional costs in the WFF now show that the business will be first profitable in Year 4 of the business plan, which is based on the following alpaca numbers:
  - 43 retained alpacas (31 breeding females, 9 females aged 11-18 months and 3 males);
  - 25 cria born (16 female and 9 male); and
  - 18 alpacas sold (6 breeding females, 3 females 12-18 months, 2 females 0-12 months, and 7 males)
6. The 4 year projections in the WFF demonstrate the minimum wage labour costs in each year of the developing alpaca business, however RAC would note that labour costs are typically not withdrawn from the business until the third year of a business plan when relating to a temporary permission.
7. Overall, RAC considers that with the additional details and the 4 year financial information now provided that the alpaca business is planned on a sound financial basis.
8. RAC would note that if the Council were minded to approve the planning application for a temporary rural worker's dwelling then the applicant's business plan and developing enterprises as now detailed would be thoroughly tested over the temporary permission. However, the applicant needs to be aware that if approval were to be granted for a temporary dwelling, then the alpaca enterprise needs to have developed as proposed and full financial business accounts would be required. These would be fully scrutinised where an application for a permanent dwelling for a rural worker is submitted.
9. In the event that at the end of the temporary time period and the applicant's business has not clearly demonstrated that it is sustainable and viable, the Council will have the authority to have the temporary dwelling removed and the land restored to its original condition.

## Conclusion

10. The proposal before the Council is for the siting of a mobile home to provide accommodation for a full-time agricultural rural worker for a temporary period.
11. The applicants will reside in the temporary dwelling. As such the property will be occupied by a full-time rural worker employed in the agricultural business at the application site.
12. The dwelling will be sited in close proximity to the existing building approved under 20/00770/AGRIC. It will meet the proposed essential needs of the developing enterprise and ensure that the management, health and welfare of all livestock kept on the holding is not compromised.
13. RAC considers that the increase in numbers of breeding alpacas on site would lead to an essential need for a full-time worker to reside on site.
14. The applicant has provided an updated Business Plan which provide details of the intended gross and net profit for the whole farm over a 4 year period for the alpaca enterprise.
15. RAC has reviewed the updated financial figures and considers the applicant's business has been planned on a sound financial basis. Approval for the siting of the mobile home for a temporary period will fully test the applicant's business plan and proposed development of the agricultural business and its financial viability.
16. There are no other suitable and available dwellings in the locality that can meet the identified established essential needs of the farming business.

I trust these comments are helpful.

Yours sincerely



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