

Notice of Meeting



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Western Area Planning Committee Wednesday 22 May 2024 at 6.30pm

in the Council Chamber Council Offices
Market Street Newbury

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on Tuesday 21 May 2024 by emailing planningcommittee@westberks.gov.uk.

Members Interests

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

Date of despatch of Agenda: Tuesday 14 May 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.

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

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



Agenda - Western Area Planning Committee to be held on Wednesday, 22 May 2024
(continued)

To: Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston

Substitutes: Councillors Dennis Benneyworth, Martin Colston, Carlyne Culver, Billy Drummond and Stuart Gourley

Agenda

Part I	Page No.
1. Apologies for absence To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meetings of this Committee held on 21 February 2024 and 20 March 2024 (March minutes to follow).	5 - 28
3. Declarations of Interest To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct .	
4. Schedule of Planning Applications <i>(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).</i>	
(1) Application No. and Parish: 23/01361/FULMAJ - Land north of Spring Gardens, Andover Drove, Wash Water, Newbury Proposal: The installation and operation of a solar farm with ancillary equipment including inverter and substation house, security cameras, deer fence, new highway access and landscaping scheme. Location: Land North of Spring Gardens, Andover Drove, Wash Water, Newbury Applicant: Calleva Community Energy Ltd Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.	29 - 60

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(continued)

- (2) **Application No. and Parish: 23/01577/FUL - Buildings and land to the rear of Londis Stores, High Street, Church Lane, Chieveley** 61 - 84
- Proposal:** Demolition Of Industrial Units And Pigsty, And Construction Of 4no. Residential Dwellings And Parking Provision (Pursuant To Refusal 22/00106/FULD)
- Location:** Buildings and land to the rear of Londis Stores, High Street, Church Lane, Chieveley, Newbury
- Applicant:** Chesterton Commercial Group
- Recommendation:** To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions and a S106 agreement
- (3) **Application No. and Parish: 23/02714/HOUSE - 10 Speen Lane, Newbury** 85 - 102
- Proposal:** Proposed two-storey side extension and single storey rear extension with associated alterations.
- Location:** 10 Speen Lane, Newbury
- Applicant:** Mr J Murray
- Recommendation:** To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.

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



West Berkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday, 22 May 2024
(continued)

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

DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 21 FEBRUARY 2024

Councillors Present: Patrick Clark (Chairman), Adrian Abbs, Antony Amirtharaj, Phil Barnett, Dennis Benneyworth, Heather Codling, Tony Vickers and Howard Woollaston

Also Present: Sharon Armour (Principal Lawyer - Planning & Governance), Paul Goddard (Team Leader - Highways Development Control), Patrick Haran (Senior Planning Officer), Simon Till (Development Control Team Leader), Sadie Owen (Principal Democratic Services Officer) and Thomas Radbourne (Apprentice Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Clive Hooker

PART I

1. Minutes

It was queried whether the minutes of the meeting held on 22 November 2023 should have included a correction of the previous Minutes from the meeting on 20 September 2023 to confirm that the agreed planting requirement for 23/01686/FUL Orchard Day Nursery, Everington Bungalow, Everington Hill, Yattendon, Thatcham RG18 0UD had been for ten rather than five years. It was confirmed that officers had checked the YouTube recording and the condition imposed by the resolution had been for five years.

The Minutes of the meeting held on 22 November 2023 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

Councillor Anthony Amirtharaj declared an interest in Agenda Items 4(1), 4(2) and 4(3) by virtue of the fact that the site was in his ward, and he was a Member of Speen Parish Council, which had expressed concerns about the applications. He had also been lobbied in relation to these applications. As his interest was personal and not a prejudicial or disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matters.

Councillor Patrick Clark declared an interest in Agenda Items 4(1), 4(2) and 4(3) by virtue of the fact that he had undertaken some work for David Wilson Homes in 2015 as a communications consultant. As his interest was personal and not a prejudicial or disclosable pecuniary interest, he determined to remain to take part in the debates and vote on these matters.

Councillors Adrian Abbs and Patrick Clark declared an interest in Agenda Item 4(4) by virtue of the fact that the site was in their ward. As their interest was personal and not a prejudicial or disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Phil Barnett and Tony Vickers declared an interest in Agenda Item 4(4) by virtue of the fact that they both were Members of Newbury Town Council's Planning and Highways Committee, which had discussed this application and a previous one for this

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site, but they confirmed that they would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matters.

Councillors Heather Codling declared an interest in Agenda Item 4(5) by virtue of the fact that the site was in her ward, and she was also a Member of Cold Ash Parish Council. As her interest was personal and not a prejudicial or disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

3. Schedule of Planning Applications

(1) Application No. and Parish: 23/00397/OUTMAJ - Bath Road, Speen, Newbury

1. Members agreed to consider Agenda Items 4(1), 4(2) and 4(3) together, to be covered by a single presentation and a single set of questions and debate.
2. The Committee considered reports for Agenda Items 4(1), 4(2) and 4(3) concerning the following Planning Applications:
 - 23/00397/OUTMAJ – Bath Road, Speen, Newbury in respect of Section 73 - Application for Removal or Variation of a Condition following Grant of Planning Permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.
 - 22/01235/RESMAJ – Bath Road, Speen, Newbury in respect of application for approval of reserved matters following outline approval 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land. Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: access, appearance, landscaping, layout and scale.
 - 23/00373/RESMAJ – Land Off Lambourn Road, Speen, Newbury in respect of approval of reserved matters following Outline Permission 17/02093/OUTMAJ (Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.) Matters seeking consent: appearance, landscaping, layout and scale.
3. Mr Masie Masiwa introduced the combined report to Members, which took account of all relevant policy considerations and other material planning considerations. In conclusion the reports detailed that the proposals were acceptable in planning terms. For application 23/00397/OUTMAJ, officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports. For applications 22/01235/RESMAJ and 23/00373/RESMAJ, officers recommended that the Development Manager be authorised to grant reserved matters approval subject to the conditions in the main reports and update reports.

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4. The Chairman asked Mr Paul Goddard if he had any observations relating to the applications. He confirmed that access points had been approved as part of the outline permission and the current applications related to the internal arrangements. Officers were content with the proposals set out in all three applications with regards to road design, parking, electric vehicle charging, and cycle storage and recommended approval. Minor points left to consider could be addressed as part of the road adoption process.
5. Mr Colin Mansell had been due to speak as an objector, but was unable to attend due to illness and Mr John Headland had requested to speak on his behalf. Also, Ms Sian Keeling was unable to present on behalf of the applicant, but Ms Sophie Horsley had requested to speak on her behalf.

RESOLVED to suspend standing orders to allow Mr Headland and Ms Horsley to speak.

6. Councillor Heather Codling proposed to pool the speaking time for the three applications and allow 15 minutes per party. This was seconded by Councillor Howard Woollaston and at the vote the proposal was approved.

RESOLVED to allow each party a total of 15 minutes speaking time.

7. In accordance with the Council's Constitution, Mr Alan Booth, parish council representative, Mr John Headland and Mr Nick Lukacs, objectors, and Ms Geogina Mortimer, Ms Estelle Hutchinson and Mr Martin Burchill, applicants, addressed the Committee on the three applications.

Parish Council Representation

8. Mr Booth in addressing the Committee raised the following points:
 - Speen Parish Council did not object to the principle of the housing site, but objected to the traffic management, particularly having a T-junction from the A4 as the only vehicular access to the majority of the site.
 - This was felt to be a retrograde step to have a single carriageway road used as an access to 93 houses.
 - A small amount of additional expenditure would be required to create an access from the existing roundabout to the west of the site.

Member Questions to the Parish Council

9. Members asked questions of the Parish Council representatives and were given the following responses:
 - The Parish Council had raised their concerns in relation to the previous application for outline permission in 2020.
 - Access proposals had been presented as a fait accompli.
 - It was assumed that an access from the roundabout had not been considered for cost reasons.

Objector Representation

10. Mr Headland and Mr Lukacs in addressing the Committee raised the following points:
 - The Allotments Association had been running for over 100 years on the Station Road site. It had been leased from the Sutton Estate for returning soldiers from the First World War.

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- The Association was concerned about the loss of parking on Station Road as a result of the proposed double bus stop. This would create significant barriers for elderly allotment holders who travelled to the site by car. As a result, they would lose the many benefits of working their allotments.
- 55-60 allotments were occupied, and it was suggested that membership would dwindle as a result of the loss of parking.
- The needs of the allotment holders had not been considered as part of the planning applications, and the association had been left out of negotiations. It was hoped that the proposal could be reconsidered.
- The Sydings was set to be changed forever by this large-scale development, which would affect residents as well as the allotments.
- Residents of 3-5 The Sydings would be exposed to noise, air and light pollution and the Committee was asked to consider a condition requiring the planting of dense shrubbery, particularly around the large pond.
- Residents could not see any evidence that the Speen Village Design Statement had been considered, which was important to protect what was unique about Speen Village.
- Concerns were expressed about run-off from the spring that ran under Mr Lukacs home. Nobody had visited to investigate this issue.

Member Questions to the Objectors

11. Members asked questions of the Objectors and were given the following responses:

- It was confirmed that Speen residents were the first choice for any vacant allotments. Only in exceptional circumstances would allotments be given to people living outside the area, and only if they had a connection to Speen.
- Parking pressures were greatest on Sundays when there was football at the recreation ground. Allotment holders often had to use adjacent roads, which impacted the relationship with the allotment's neighbours. It was suggested that the parking at the recreation ground be expanded.
- It was acknowledged that some residents of the new development may wish to make use of the allotments.
- It was explained that each bus stop would be 25m, resulting in the loss of 50m of parking, equivalent to the allotment frontage.
- Mr Lukacs confirmed that he had not had any dealings with either the Council's Drainage Officer or the applicant's drainage engineer.
- It was confirmed that water from the allotments ran through a pipe under 3 The Sydings. Mr Lukacs was concerned that the adjacent pond would increase water flow under his property.

Applicant/Agent Representation

12. Ms Mortimer, Ms Hutchinson and Mr Burchill in addressing the Committee raised the following points:

In relation to application 23/00397/OUTMAJ:

- The site formed part of a larger housing allocation in the Housing Site Allocations DPD.

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- The site had full planning consent for 11 new dwellings with access approved from Bath Road – the principle of development and means of access were not being considered as part of this application.
- This application sought to vary the approved plans and conditions to reflect the applicant's house types, and to amend the layout accordingly.
- The proposal was for 11 two-storey dwellings - three two-bed, six three-bed and two four-bed houses. Three of these would be affordable.
- The affordable homes would be built to national space standards and would be accessible and adaptable dwellings.
- All dwellings would have private drives and gardens with garages / sheds for bike storage.
- The site layout considered the relationship with existing dwellings in the adjacent conservation area and sufficient offset and tree planting would ensure privacy.
- Existing trees/hedges on all boundaries would be retained to screen the houses and contain them within their landscaped buffer.
- Dwellings would face onto Bath Road with gardens to the rear, maintaining the feeling of enclosure referred to in the Village Design Statement (VDS).
- The VDS and Conservation Area had informed this application and architectural features and materials found in the surrounding area had been incorporated into the design.
- The Highways Authority's previous objections had been overcome. Parking would be provided in line with the Housing Site Allocations DPD, two unallocated parking spaces had been relocated to the private drive area to the front of the site, and each dwelling would have an electrical vehicle (EV) charging point.
- The Drainage Strategy was considered acceptable by the Drainage Officers. Foul water drainage would connect to the existing network at Bath Road. Thames Water had confirmed that there was sufficient capacity. Surface water drainage was tied to the wider site and would discharge into the existing ditch network on site.
- Current building regulations required a 31% reduction in carbon emissions from the previous standards. All dwellings would have insulation, enhanced double glazing, waste water recovery, and decentralised mechanical ventilation. Most properties would also require PV panels - a condition to secure this would be welcomed.
- There were no technical objections to the application. The applicant had worked with the Parish Council to address their concerns. Their only remaining objection related to the access road, which had already been approved and was not being considered as part of this application.
- Condition 39 required updated ecological surveys. Since the report had been written, the Ecology Officer had agreed an amendment to the condition with respect to dormice surveys. Instead, alternative methods of working would be agreed prior to commencement. The applicant sought Members' approval to delegate the final wording to the Development Manager.
- The proposal was consistent with the full planning permission and would provide a high quality development for a community to thrive.

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- The applicant hoped that the Committee would agree with the recommendation to grant planning permission subject to conditions.

In relation to application 22/01235/RESMAJ:

- The site formed part of the same larger housing allocation as the first application.
- The site benefited from outline planning consent for 93 new dwellings, with access from Bath Road.
- The principle of development and the site access had already been accepted and were not being considered as part of this application.
- This was a reserved matters application, which sought approval for layout, appearance, scale, and landscaping.
- 93 dwellings were proposed, comprising maisonettes, flats, bungalows and houses to suit a range of needs. Officers considered the proposed housing mix to be acceptable.
- 38 affordable homes were proposed, which would be built to national space standards, with the majority being accessible and adaptable dwellings.
- An emergency access was proposed from Station Road. Bollards would ensure that it could only be used by emergency vehicles, pedestrians and cyclists. This would provide a direct link to Speen and on to Newbury.
- Three public rights of way crossed the site - all would be retained and enhanced.
- The proposed layout was based on perimeter blocks, ensuring well-defined fronts and backs, with active frontages to ensure good natural surveillance.
- The layout also allowed for adequate back-to-back distances within the site and to neighbouring properties.
- All dwellings would have good sized gardens and access to public open space.
- All dwellings would have cycle storage and EV charging.
- A relatively small palette of materials was proposed to ensure visual consistency. A proposed condition would require the final materials to be approved by the Planning Authority.
- The VDS had informed the design of the new dwellings, and design features traditional to Speen had been incorporated to provide visual links with the existing housing stock and to add character to the scheme.
- Boundary treatments had been carefully considered - brick screen walls were proposed for areas facing the public realm, with close-board fencing between dwellings. Some areas would have low hedges or railings along front boundaries.
- The tallest dwellings would be centrally located, respecting the relationship with the surrounding countryside and Speen Conservation Area. These would be placed on prominent plots, giving additional presence to aid wayfinding.
- Houses opposite the apartments would be 2.5 storeys. Elsewhere, building heights would be limited to two storeys to recognise the sensitivity of the boundary with the countryside. 1.5 storey buildings would be provided on the high point of the site to avoid prominent skyline development.

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- Key landscape features would be retained, including boundary hedgerows and most of the existing trees. This would ensure the landscaping scheme enjoyed an instant maturity, as well as providing character and softening the built form.
- The proposal included over 3 ha. of public open space (40% of the total site area). This would be amenity grassland, wildflower meadow and native hedgerow.
- A large play area was also proposed, which would have excellent natural surveillance. A 20m off-set from adjacent housing was proposed to mitigate noise.
- Three attenuation basins would be incorporated into the landscaping scheme to add visual interest and increase biodiversity.
- The proposed development was consistent with the outline planning permission and would provide a high quality development delivering homes and the affordable provision that was needed.
- The developer hoped that the Committee would agree with the recommendation.

In relation to the application 23/00373/RESMAJ:

- The site formed part of the same larger housing allocation as the other two planning applications as set out in the Housing Allocations DPD.
- The site had outline planning consent for 14 new dwellings, with access approved from Lambourn Road. There would be no vehicular access to the wider site.
- The principle of development and means of access had already been accepted and were not being considered as part of this application.
- This was a reserved matters application, which sought approval for layout, appearance, scale, and landscaping.
- 14 dwellings were proposed. Officers considered the proposed housing mix to be acceptable.
- All dwellings would be two-storey in line with the approved plan.
- Six of the dwellings would be affordable, which would be built to national space standards, and would be accessible and adaptable dwellings.
- The existing public right of way (PRoW) connecting the Lambourn Road to the larger site would be retained and would be upgraded to a hogging footpath with a landscaped buffer and new tree planting on one side. The spine road would be on the other side of the PRoW.
- A mixture of house types would be provided along the spine road, providing natural surveillance of the public open space and PRoW.
- Two private drives would be served off this road – one serving three terraced houses and one detached home. These would face onto Lambourn Road, but they would be set back to create public open space to replicate the visual character and landscape setting of surrounding properties as per the VDS. These properties would overlook the SuDS basin which would be planted to provide an attractive focal point and support wildlife, surrounded by wildflower meadow and ornamental planting.
- The other private drive to the south of the site would serve three detached properties overlooking public open space, providing surveillance towards the southern site boundary. This would be planted as wildflower meadow with native shrubs, with existing hedgerow retained.

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- Screen walls were proposed where properties adjoined open land or on primary street frontages as per the VDS.
- All dwellings would have private gardens with access to cycle storage.
- Dedicated parking would be provided with an EV charge point for each dwelling.
- Highways Officers had confirmed that they had no objection to the application.
- The VDS and adjacent conservation area informed the application and the same materials and architectural features referred to in the previous applications would be incorporated into this proposal.
- Dwellings would be built to current building regulations and the developer would welcome a condition requiring a PV scheme.
- Three trees adjacent to the PRow would be removed, plus some self-seeded shrub trees. It was proposed to plant 22 high quality new trees to off-set the loss of the existing trees, including three new, extra-heavy standard trees between the site and 31/32 Lambourn Road to screen the development. The Tree Officer had raised no objection.
- Landscape buffers were also proposed along the southern, northern and eastern boundaries to be used as public open space.
- Amenity grass and ornamental planting were proposed to the front of plots laid to lawn.
- A long-term management plan and maintenance schedule would be secured via a condition.
- There were no technical objections to this application and the applicant had worked with the Parish Council to address their concerns. Their only remaining issue was in relation to the access road, which had already been approved.
- The proposed development was consistent with the outline planning permission and would provide a high quality development, delivering affordable homes that were needed.
- It was hoped that Members would agree with the Officers' recommendation to grant planning permission subject to conditions.
- In relation to concerns about the pond, it was confirmed that this would be lined and separate from the groundwater, so it should not prompt any additional concerns about spring water affecting 3 The Sydings.

Member Questions to the Applicant

13. Members asked questions of the Applicant's representatives and were given the following responses:
- It was confirmed that the applicant was happy to deliver PV panels across all three applications.
 - Properties would not have functional fires. Chimneys were proposed to be consistent with the surrounding area and the Parish Council had requested them.
 - Access arrangements had been agreed as part of the outline planning permission and was not being considered as part of this application. David Wilson Homes (DWH) had not been the applicant for the hybrid planning application, but a full Transport Statement (including a Safety Audit) had been prepared at that time and

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had been considered acceptable. DWH would not have taken a different approach if they had been the original applicant.

- Under current legislation, biodiversity net gain was only required for new outline or full applications and not reserve matter applications. However, a number of biodiversity enhancements were proposed across all three applications, secured by condition.
- The applicant was unable to confirm the Energy Performance Certificate rating for the proposed properties, but highlighted that the latest building regulations required a 31% reduction compared to the previous standards. A 'fabric first' approach would reduce maintenance for customers and improve the quality of the build. Additionally, PV panels were being proposed.
- A LEAP (locally equipped area for play) would be provided, and a condition was proposed in relation to its design. The facility would be relevant to a range of ages.
- In response to queries about cycle access, it was confirmed that the PRoW over the two sites would be upgraded to a hogging footpath. Access arrangements were previously approved in full, so the applicant was not looking to change these.
- Reassurance was provided that there would be no overflow from the ponds on the site. These had been designed with 300mm of freeboard, so even with a 1 in 100 year storm, there would be no issues with overspill or surface water entering foul sewers. Surface run-off would have to be equivalent to/better than the current rate. Capacity would be provided within the permeable paving on most driveways. This was not included in the capacity calculations for the site.
- A Construction Management Plan would be a pre-commencement condition. A draft had already been prepared.
- Thames Water had confirmed that there was sufficient capacity in their foul water network, but no indication had been provided as to the level of spare capacity.
- It was confirmed that a management company would maintain the public open spaces/SuDS. This was part of the S106 Agreement that had been secured as part of the outline permission.
- Surface water run-off would match greenfield rates and would be an improvement over the existing scenario. While groundwater levels were high in places, extensive investigations had highlighted voids within the chalk and no concerns had been highlighted with existing groundwater levels in relation to the proposed surface water design. Attenuation ponds were lined and would be separate from the groundwater system. Calculations had accounted for 40% climate change. Discharge was to a drainage ditch, which was linked to the River Lambourn. The investigation report had been issued two weeks prior to the meeting.

Ward Member Representation

14. Councillor Antony Amirtharaj in addressing the Committee raised the following points:

- The Committee was asked to prioritise responsible development.
- The need for housing in Speen was acknowledged, but the amount of development proposed raised questions about over-burdening infrastructure, environmental damage, and the impacts on vital services.
- The original application was approved in 2020, but a lot had changed since then, and a fresh perspective was needed.

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- The proposed development in its current form raised 'red flags' related to traffic congestion, and destruction of biodiversity.
- The A4 would buckle under the weight of traffic - a report was quoted that indicated a 900% increase in vehicle movements. Residents entering and leaving the site would cause gridlock. Also, visibility to the west was just 43m, with vehicles approaching from a 60mph speed limit. This was a safety hazard, not just an inconvenience. It was also an environmental burden and a blow to the quality of life for residents, including those on Station Road, Lambourn Road and The Sydings.
- Concern was expressed about the potential impact on drainage infrastructure and the River Lambourn.
- The development would replace a vital green space and diverse habitat around the A34. The delicate balance of the ecosystem would be affected. Also, the Speen VDS had not been properly taken into account.
- Infrastructure issues would have cascading impacts. Station Road was used for parking by allotment holders and those playing football at the recreation ground. It was a narrow road, and the introduction of bus stops would make parking more problematic. The scheme would lead to conflict and access issues for residents.
- There was existing pressure for more allotments. The development would also create pressures on schools and GP services. Children would attend Robert Sandilands and Speenhamland Primary Schools. Although Stockcross Primary School had capacity, children would be unable to cross the A34 roundabouts. Also, Strawberry Hill GP Surgery was already stretched.
- It was challenged whether the vision that people had for the future of Speen was a community choked by traffic, devoid of green space to the west, and struggling to provide basic services.
- Positives associated with the development included the provision of affordable housing and additional land being allocated to the allotments.
- The Committee was encouraged to seek ample on-site parking, with dedicated parking for the allotments within the site.
- It was highlighted that CIL contributions would be just £18,000, which was not consistent with the size of the development. It was suggested that more should be allocated to the nearby schools and GP surgery to accommodate the additional burden.

Member Questions to the Ward Member

15. Members asked questions of the Ward Member and received the following responses:

- The CIL Team had confirmed the figure of £18,000, although it was unclear if this amount was per property, or for the development as a whole. There was a need for additional funding for infrastructure.

Member Questions to Officers

16. Members asked questions of Officers and received the following responses:

- The access for the development had been approved under the extant outline permission, which would provide a fall-back position. It was not considered normal practice to renegotiate access under a S73 application where this had been approved under the

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outline permission. The Committee was not being asked to consider the access to the highway as part of these applications, which related solely to internal arrangements.

- The S106 agreement had been established with the outline permission and should provide sufficient funds to secure mitigation for all highways works that were required for the access. Revisiting the S106 agreement at this stage would be unusual and the applicant would have reasonable grounds to challenge the Council.
- Although the access point had been approved, officers were looking to change the layout of the A4. A footway/cycleway out to Stockcross was being progressed, which had not even been a proposal at the time the outline permission had been granted. Officers were working with the applicant to accommodate the approved access and a continuation of the cycle route to Speen Lane. Instead of the applicant constructing the right-turn lane, it was proposed that they provided funding to allow the Council to carry out works on the highway to include a footway/cycleway on the southern side of the A4. Discussions were ongoing.
- The applicants had raised the issue of PV panels after the revised plans had been submitted. If Members wished to impose a condition, they could come up with a suitable wording to secure their provision prior to occupation. However, there were no details as to which properties would be affected, the level of benefit provided and the impact on viability for the developer. Without this detail, Officers were hesitant. Members were reminded that reasonableness and enforceability were key tests for conditions. Also, delivery might undermine other aspects of the scheme, such as visual quality or the viability of affordable housing. It was noted that the developer had offered to provide PV panels.
- It was confirmed that there were no plans to provide additional parking for allotment holders within the site. Also, the allotments were fenced off from the site and access was from Station Road. While it would be physically possible to provide additional parking, it would not be close to the allotment entrance. Parking had been assessed against Policies P1 and HSA2, which gave no grounds to reasonably apply a condition requiring additional parking. Both the PV panels and parking would require considerable redesign of the scheme. It was suggested that an informative could be added to the outline permission to note that the Planning Committee would welcome an approach by the applicant to provide further details on these matters. These would have to be considered under a separate planning application because they were material changes.
- The condition relating to provision of the emergency access from Station Road upon completion of the fiftieth dwelling had been approved as part of the outline permission. The threshold was chosen because it related to the planned phasing of the development. There was no legal requirement to provide one, but the Highways Authority always sought one for developments larger than 100 dwellings. It was not possible to have the emergency access from Lambourn Road due to the ransom strip.
- Condition 47 sought improvements to the existing bus stops to encourage residents from the development to use the buses. While not a legal requirement, the improvements would make the bus stops more usable and support the viability of the bus service. Kassel kerbs would reduce the step up into the bus to improve accessibility. Providing bus stop markings would not reduce car parking, because people should not be parking at a bus stop. Condition 47 would be discharged through a separate planning application, so there was an opportunity to amend the design and Officers offered to work with Members and the community on this.
- It was confirmed that measures to protect the oil pipeline were set out in Condition 25 attached to the first application. This included a 6m easement.

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Debate

17. Councillor Abbs opened the debate. He had opposed the site access on safety grounds when it had originally been proposed, and he had concerns about the lack of provision for 'net zero'. While he recognised that the Committee was unable to request changes on these matters, he hoped that the developer would come forward with a proposal for PV panels. He suggested that net zero homes were valued by residents because they were cheaper to run. Despite his concerns, he could not see any reason to refuse planning permission.
18. Councillor Vickers accepted that the access point could not be changed, but felt that the road layout should be adapted to accommodate the proposed cycle route, since the residents would want to cycle to the town centre. He noted that moving the traffic island further west would move it away from the desired line for pedestrians crossing the A4. He suggested that residents would struggle to turn right out of the site, particularly when the A4 was used as a diversionary route in the event of a closure on the M4 and suggested that the emergency access might be brought into use in such a scenario. He also suggested reserving an alignment for a future road link across the ransom strip to Lambourn Road. He agreed that the applicant's offer to provide PV panels should be welcomed, since the market was moving in that direction. Overall, he indicated that he was minded to support the application, but suggested that additional conditions may be required.
19. Councillor Phil Barnett agreed with the points made by Councillor Abbs, but stressed the need to ensure that the development was suitable for use and that any detriment to the local community was minimised.
20. Councillor Amirtharaj proposed that conditions be amended to:
 - secure the emergency access at an earlier stage;
 - amend the design of the bus stops on Station Road to retain some parking;
 - maintain the green buffer at 1-4 The Sydings.Also, he suggested that the developer be requested to provide a parking area for the allotments. If the above were not technically possible, he indicated that he would abstain in the vote.
21. Mr Till suggested that a line be added to Condition 47 to require details submitted to discharge the condition be approved in consultation with the Ward Members and Parish Council. Councillor Vickers requested a further change, inserting the wording 'for all modes of transport'
22. In relation to Condition 46, Mr Till suggested that requiring earlier delivery of the emergency access would create a dead-end road that was not usable by residents due to the construction phasing of the development. Councillor Amirtharaj stressed the need for this to be delivered as soon as possible to avoid issues experienced by other developments to the north of Newbury. Councillor Abbs proposed amending the wording to require provision of the emergency access as soon as the roads connecting to it have been constructed. Mr Till suggested that the wording be changed to require that the emergency access be provided either at the point when the turning head adjacent to Plots 28 and 29 had been constructed or at the point at which the 50th unit was occupied, whichever was the earlier.
23. Mr Till noted that an additional informative had been requested regarding parking for the allotments, which would apply to 23/00397/OUTMAJ and 22/01235/RESMAJ,

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and an additional informative for PV panels, which would apply to all three applications.

24. In relation to 23/00397/OUTMAJ, Councillor Adrian Abbs proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, with the following amendments:

- Condition 46 - require that the emergency access be provided either at the point when the turning head adjacent to Plots 28 and 29 had been constructed or at the point at which the 50th unit was occupied, whichever was the earlier;
- Condition 47 – require details submitted to discharge the condition be approved in consultation with the Ward Members and Parish Council, and insert the words 'for all modes of transport';
- Additional informatives requesting parking for the allotments and provision of PV panels for all units.

This was seconded by Councillor Howard Woollaston.

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

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions set out in the report and update reports with the following amendments.

Conditions

46	<p>Station Road Emergency Access</p> <p>At the point when the internal turning head joining the emergency access is completed or upon occupation of the 50th dwelling, whichever is earlier, the Station Road emergency access and cycle route shall be constructed and made available for use in accordance with the approved drawing 07733/SK/009 rev A or as otherwise agreed by the LPA.</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
47	<p>Off - site Section 278 Highway Works</p> <p>No dwelling hereby permitted shall be occupied until a Section 278 Agreement has been signed and provided in consultation with the Ward Member and Speen Parish Council to procure the following works:</p> <p>By occupation of the 50th dwelling:</p> <ul style="list-style-type: none"> • Emergency and cycleway access onto Station Road <p>Public Transport Infrastructure</p> <ul style="list-style-type: none"> • Provision of raised Kassel kerb, 21 metre time-restricted bus stop

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	<p>clearway marking to enable the bus to safety line and timed clearway sign plate at "The Sydings" bus stop northbound in Station Road</p> <ul style="list-style-type: none"> • Provision of raised Kassel kerb at arrival end and safety line at "The Sydings" bus stop southbound towards A4 in Station Road <p>Dropped kerbing and tactile paving at the following locations:</p> <ul style="list-style-type: none"> • Across Station Road at the junction with the A4 • Across Lambourn Road west of the junction with Station Road with decrease in kern radii on western side of Station Road to enable this crossing • Across The Sydings at the junction with Station Road • Across Station Road at the southbound bus stop <p>Reason: To encourage sustainable travel, in the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
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Informatives

	<p>Parking for Allotments</p> <p>The applicant will make every effort to make provision of parking for allotments within the site.</p>
	<p>Solar PV panels</p> <p>The applicant is encouraged to use their best possible endeavours to explore the options for providing solar PV for the site.</p>

(2) **Application No. and Parish: 22/01235/RESMAJ - Bath Road, Speen, Newbury**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/01235/RESMAJ Bath Road Speed, Newbury in respect of Application for Approval of Reserved Matters following Outline Approval 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land] Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: Access, Appearance, Landscaping, Layout and Scale.

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- This matter was considered jointly with Agenda Items 4(1) and 4(3). Details of relevant representations and Member questions have been incorporated into the minutes for Agenda Item 4(1).

Debate

- Councillor Tony Vickers opened the debate. He noted a discrepancy between the current route of the Public Right of Way and the route shown in the Definitive Map. He felt that the wording of Condition 6 may need to be amended to ensure that the developer incurred any costs associated with the Diversion Order. It was noted that the Countryside Service imposed an administrative charge for creation/diversion orders to cover advertising costs. It was suggested that the wording of the condition be amended to make clear that the Diversion Order would be carried out at the applicant's cost.
- Councillor Antony Amirtharaj noted that the Update Report had recommended that Protected Species Surveys be conditioned. Mr Masie Masiwa confirmed that these should be undertaken prior to commencement. This condition covered the whole development site.
- Councillor Vickers proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, with an additional condition requiring protected species surveys to be updated. This was seconded by Councillor Phil Barnett.
- The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Barnett to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions in the report and update report, with the following amendment to Condition 6 to add that the applicant shall meet all public rights of way diversion costs.

Condition

6	<p>Public Rights of Way SPEE/6/2</p> <p>The footpaths running between the southern site boundary at Cromwell Terrace and the intersection with the internal road, to the west of plots 24, 25, 26, 27 and plots 43,44, 45, 46 shall be completed before the occupation of the 60th dwelling. Details of the precise route, construction and surfacing shall first be submitted to and approved in writing by the Local Planning Authority.</p> <p>The applicant shall meet all diversion costs. The submission shall include details of any diversion order if the route does not follow the existing definitive line. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interest of highway safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists using the local PROW network. This condition is applied in accordance with the National Planning Policy Framework and Policies CS13 and CS18 of the West Berkshire Core Strategy (2006-2026).</p>
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Informatives

	<p>Solar PV panels</p> <p>The applicant will make provision of Solar PV panels on all three sites at Bath Speen, as a measure to improve sustainability of the scheme.</p>
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(3) Application No. and Parish: 23/00373/RESMAJ - Land Off, Lambourn Road, Speen Newbury

7. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/003373/RESMAJ – Land off Lamborn Road, Speen, Newbury, approval of reserved matters following Outline Permission 17/02093/OUTMAJ (Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.) Matters seeking consent: Appearance, Landscaping, Layout and Scale.
8. This matter was considered jointly with Agenda Items 4(1) and 4(2). Details of relevant representations and Member questions have been incorporated into the minutes for Agenda Item 4(1).

Debate

9. An informative had been requested for the provision of PV panels on all dwellings.
10. Councillor Antony Amirtharaj opened the debate. He noted that the update report had recommended that dropped kerbs and tactile paving be provided at points where pedestrians were likely to cross the road. He asked if this would be secured through a condition. Mr Paul Goddard confirmed that this could be secured through a condition, but highlighted that these details were usually picked up as part of the S38 process.
11. Councillor Howard Woollaston proposed to accept Officer’s recommendation and grant planning permission subject to the conditions listed in the main report and update report, with an additional condition to require that dropped kerbs and tactile paving be provided at points where pedestrians were likely to cross the road. This was seconded by Councillor Heather Codling.
12. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Codling to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions in the main report and update report, with the following additional condition requiring a pedestrian crossing at Lambourn Road.

Condition

	<p>Pedestrian crossing at Lambourn Road</p> <p>No dwelling hereby permitted shall be occupied until details of a pedestrian crossing at the access road off Lambourn Road have been submitted to and approved in writing by the Local Planning Authority. The pedestrian crossing shall thereafter be retained and kept available for use.</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies</p>
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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).
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Informatives

Solar PV panels

The applicant will make provision of Solar PV panels on all three sites at Bath Speen, as a measure to improve sustainability of the scheme.
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(4) Application No. and Parish: 23/02915/FUL - Battery End Hall, Battery End, Newbury, RG14 6NX

13. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 23/02915/FUL – Battery End Hall, Battery End, Newbury, RG14 6NX in respect of one 4 bed two storey dwelling with parking, cycle and refuse storage. (Re-submission of Approval 19/00995/FULD without any amendments).
14. Mr Patrick Haran introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
15. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. He indicated that the proposal was similar to the previous application that had been approved. Highways Officers were happy that it complied with standards/policy relating to parking, electric vehicle charging points and cycle parking.

Continuation of meeting

16. In accordance with the Council's Constitution Part 3, Rule 10, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(4).
17. In accordance with the Council's Constitution, Mr Andy Moore, Town Council representative, Ms Jennifer Evans, objector, Mr Azar Sharif applicant/agent, addressed the Committee on this application.

Parish/Town Council Representation

18. Mr Moore in addressing the Committee raised the following points:
 - This was the third application for the site and Mr Moore was pleased that it would be considered by the Western Area Planning Committee.
 - Newbury Town Council accepted that this was a good brownfield site for development with a dwelling, but in 2019 they had objected on grounds of over-development and that the hedge should be retained. In 2022, they had objected for reasons of over-development and because the proposed dwelling was too close to the hedge. The hedge was of amenity and biodiversity value. The Town Council had objected to the current application on the grounds of over-development and the need to protect the hedge.
 - The Town Council owned the recreation ground to the west of the property. The boundary and ownership of the hedge was difficult to establish. However, the

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Town Council was seeking to regularise their ownership of the hedge and to maintain it thereafter.

- The proposed hedge retention plan was considered inadequate, and officers had proposed a condition to improve it to ensure the hedge's retention, which was the outcome desired by all parties.
- The applicant's representative had accepted that the western wall of the current hut was the western boundary of the plot and that the hedge should be protected.
- The proposed development was considered to be over-development, as it appeared overly large for the plot.
- The eastern wall of the plot coincided with the eastern boundary of the plot and the plot width had been measured at 9.9m. The plans did not include dimensions, but had been scaled at 9.5m - 9.8m.
- The plans showed space down each side of the dwelling to allow bins to be brought to the street from the bin store at the rear of the building, but the dimensions did not reflect reality.
- Failing to measure the plot properly and proposing too wide a dwelling, raised concerns about loss of amenity for the neighbour and/or loss of the hedge.
- The Committee was urged to refuse the application or impose a condition related to the width of the building.
- The applicant should be encouraged to rebuild relationships with the neighbours and return with a proposal that fitted the plot.

Member Questions to the Parish/Town Council

19. Members asked questions of the Parish Council's representative and were given the following responses:

- The hedge was not being actively maintained.
- The Town Council intended to claim ownership of the hedge and maintain it thereafter.

Objector Representation

20. Ms Evans in addressing the Committee raised the following points:

- Objectors did not object to the site being used for residential use, but the proposed scheme was too wide for the plot.
- Permission was originally granted in 2019, despite local and Newbury Town Council objections and without the submission of full and correct information, and without appreciation of constraints as evidenced by recent ecological surveys.
- The site was then sold on, and planning approval lapsed.
- The new owner submitted a replica application in December 2022, but in the interim, the local community had become aware of the detail of the development and its impact on the adjacent historic hedge, which was not shown on any drawings, and the impact on the natural setting and enclosure of the recreation ground. This application was refused in July 2023.
- The current application was identical to the first two and errors persisted on the plans and application form, which had been brought to the attention of the case officer.

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- The proposed house did not fit on the site, and the adjacent hedge was not shown on any of the drawings, apart from the hedge retention plan. This plan was inaccurate but, it had been listed as an approved plan.
- The developer was reliant on building 1m into a 2m strip that he did not own. Officers had indicated that this was not a material planning consideration. The objectors disagreed, as the proposed development put the adjacent hedge at risk, which the applicant had acknowledged that he did not own.
- The previous application had been turned down because the applicant had not submitted an ecology appraisal. This had not been requested for the first application.
- 26 letters of objection relating to use of the hedge by protected species and potential loss of a biodiverse habitat contributed to this decision. Objectors felt vindicated by the ecology survey. The Ecology Team had even suggested that a covenant be placed on the hedge.
- The proposed development extended over land beyond the applicant's ownership and would put the hedge at increased risk. The red line on the plan coincided with the centre/trunk line of the hedge. The hedge's canopy overhung the roof of the existing hut.
- Objectors were concerned that the proposed development would have a two storey wall located 1m closer to the hedge and a new side access between the building and the hedge. Construction of the side access would result in reducing the ground level within the root protection area, which would be in addition to damage resulting from excavation for the foundations. The objectors suggested that the hedge would be damaged at root and canopy level.
- For the 2019 application, the case officer had indicated that it would be unlikely that there would be any impacts on protected species, as no protected species had been noted in this area. They had also said that while loss of the hedge would be unfortunate, it was not a protected hedge and it did not provide green infrastructure linkage. These points had been disproved by the ecology appraisal and bat survey.
- The Tree Officer had indicated that the hedge brought biodiversity, pollution and carbon sequestration benefits, as well as screening for the recreation ground, which was a registered village green.
- The applicant had ignored Policy CS18 by putting the hedge at risk.
- Objectors challenged why it was not a material consideration that the application put at risk a protected habitat on land outside of the applicant's ownership, when building within his ownership would avoid this scenario and attract local support.
- Objectors suggested that the width of the house be reduced to be in line with the western wall of the existing hut to keep it within the applicant's ownership boundary.

Member Questions to the Objector

21. Members asked questions of the Objector representative and were given the following responses:

- Residents were aware that there was a ditch that ran along the eastern side of the hedge as far as Conifer Crest.

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- The proposed development boundary did not coincide with the applicant's ownership.

Applicant Representation

22. Mr Sharif in addressing the Committee raised the following points:

- The application had originally been given consent in 2019.
- The property had been purchased on the basis of that approval.
- The current application remained unchanged from the original.
- During Covid, the project manager had been in poor health and so the scheme had not been started.
- The original application had gone through stringent checks as part of the approvals process.
- People were making fictitious allegations that the hedge would be demolished.
- It was a tragedy that the hedge had not been maintained by the Town Council.
- There was no ditch visible to the east of the hedge.
- Historically, hedges were used to define property boundaries.
- The Council's Legal Team had been asked to investigate the ownership of the strip of land to the east of the hedge. An advertisement had been placed in the paper to seek information about the ownership, but no owner came forward. It was suggested that this strip was part of the site.
- An additional application for the site (21/00547), had sought an amendment of the original application to erect a 1.8m high timber fence to denote the northwestern site boundary.
- The proposed house would be in keeping with others in the area and would uplift the visual appearance of that part of the road. The existing hut was in poor condition and there was a problem with rat infestation. The new property would be built to a high standard.
- Residents had not raised any concerns when the Scout Association had owned the property. Mr Sharif was being treated unfairly, with ridiculous objections and false allegations about his intention to destroy the hedge.
- The property had a well-defined plot and the Council had checked the dimensions for the proposed house.

Member Questions to the Applicant/Agent

23. Members asked questions of the Applicant and were given the following responses:

- It was confirmed that there would be access to the rear of the property. There was an existing gate to the recreation ground. Also, there would be enough room along the side of the property to bring bins through to the front. A reputable firm of architects had prepared the plans and would not have created a development that was not serviceable. Access to the sub-station was from the other side.
- It was acknowledged that the Committee could only consider the application in front of them and could not take account of previous applications.
- The applicant confirmed that the proposed development would be built entirely within his own land – the current scheme merely sought a renewal of the previous

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planning permission. The only change was a plan that showed the hedge detail in relation to the building. It was suggested that the trunk line of the hedge should be taken as the property boundary.

- The Scout Hut had been set back from the hedge and around 250mm from the neighbour's boundary. The neighbour had affixed their fence to the existing building, which was illegal.

Ward Member Representation

24. Councillor David Marsh in addressing the Committee raised the following points:

- He echoed the points made by Mr Moore and Ms Evans.
- If the developer had engaged with residents and Councillors, and listened to their concerns, the house would be built by now. The house just needed to be made a little smaller.
- The site maps all showed the red line going through the middle of the hedge and there was nothing in the documents to suggest that the hedge would be protected.
- The hedge was crucial, and the fact that the maps were wrong was a matter for serious concern.
- Even if the current owner was serious about maintaining the hedge, what about subsequent owners? The maps suggested that they owned part of the hedge.
- The Scouts Association had thought that their plot was up to the western edge of the building, which conformed to the sub-station and the neighbouring house to the rear. Also, the cable to the sub-station ran along the hedge.
- The application did not address the issue of the land ownership between the hut and the hedge.
- The recreation ground was owned by Newbury Town Council. While ownership of the hedge or the strip of land to the east was unclear, common sense would suggest that the ditch went with the hedge. There were doubts as to whether the applicant owned all of the land that he was proposing to develop.
- The Hedge Retention Plan stated that the existing fence was to be retained and repaired if required, but there was no fence.
- The notice in the Newbury Weekly News had appeared a week later than the stated date of 14 December 2023, when readership would have been much lower due to Christmas.
- There were discrepancies in the documents, which had not been rectified since the original application in 2019.
- The application form indicated that there were no trees or hedges on land adjacent that could influence the development, or which might be important as part of the local landscape character. This was incorrect as evidenced by the bat survey, which had indicated that the hedge should be retained. The hedge was also used by birds and it was a wildlife corridor too. The buffer should be retained between the house and the hedge.
- The neighbour to the east was having to take legal action to protect their property boundary.
- For all of these reasons, the Committee was urged to reject the application.

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Member Questions to the Ward Member

25. Members did not have any questions of clarification.

Member Questions to Officers

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

- The proposed development was considered to be consistent with plot sizes/ratios along the road, and had a similar footprint, height, and side setbacks as other properties, and the site sat comfortably within the plot.
- The plans showed that there would be 1m to each side of the proposed house, which would be sufficient to provide access to the rear.
- The applicant had submitted a lawful planning application and officers were happy that the plans were sufficient to identify the plot of land proposed for the dwelling and the constraints of the site. If the applicant did not have sufficient land within his control to the east and west of the building to provide access to the rear of the property, then the site could be considered to be over-developed, which would be a material planning consideration. The applicant had served the correct notice regarding the strip of land to the west of the property. However, if Members were not satisfied that sufficient land in the applicant's ownership could be demonstrated to provide the access to the rear, then they could consider refusal of the application. Similarly, if Members did not feel that there was sufficient land to be able to protect the hedge, then they could consider refusal. Deferring the application to undertake site measurements would only yield details that were already available. The Planning Officer's view was that there was sufficient land available to provide the proposed dwelling.

Debate

27. Councillor Vickers opened the debate. He suggested that the Committee could either approve the application if the applicant accepted the amended ecology conditions, or they could refuse it on the grounds that the hedge could not be protected. He indicated that he was leaning towards the first option. He suggested that it could be up to other forms of law to consider whether the applicant had sufficient land to build the proposed house. He felt that it would be possible to show that the Town Council owned the whole hedge. Historically they had been created by digging a ditch and using the excavated earth to create a mound into which the hedge was planted. He proposed to accept the amended Officer's recommendation to grant planning permission subject to the conditions in the main report and the update report.
28. Councillor Amirtharaj suggested that it would be a matter for litigation if the applicant was seeking to build on land not in his ownership. He suggested that the Committee should look beyond the technical aspects of this application.
29. Councillor Abbs did not feel that the amount of land owned by the developer was sufficient to be able to build the proposed property. He stated that the hedge must be protected. He felt that there were two good reasons for refusal and indicated that he would be minded to oppose the application.
30. Councillor Vickers' proposal was not seconded.
31. Councillor Abbs proposed to reject Officer's recommendation and refuse planning permission on the grounds that the application could not be carried out on land within the applicant's ownership, without adverse impact to the adjacent hedge that was of protected habitat value and ecology value, and that it could not be carried out without

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over-development of the site, resulting in poor quality design and failure to provide access to the rear for amenity access. This was seconded by Councillor Barnett

32. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Barnett to refuse planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to refuse planning permission for the following reasons:

Reasons:

- The application could be carried out on land within the applicant’s ownership, without adverse impact to the adjacent hedge that was of protected habitat value and ecology value; and
- It could not be carried out without over-development of the site, resulting in poor quality design and failure to provide access to the rear for amenity access.

(5) Application No. and Parish: 23/01916/HOUSE - Birkdale, The Ridge, Cold Ash, RG18 9HT

1. Agenda Item 4(5) 23/01916/HOUSE – Birkdale, The Ridge, Cold Ash, RG18 9HT was not considered, and was deferred to the next meeting of the Western Area Planning Committee.

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

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/01361/FULMAJ Enborne	20 September 2023 ¹	The installation and operation of a solar farm with ancillary equipment including inverter and substation house, security cameras, deer fence, new highway access and landscaping scheme. Land North of Spring Gardens, Andover Drove, Wash Water, Newbury Calleva Community Energy Ltd

¹ Extension of time agreed with applicant until 28th May 2024

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01361/FULMAJ>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions set out in 8.1

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

Reason for Committee Determination: Call in by Ward Member.

Committee Site Visit: 22nd April 2024

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the installation and operation of a solar farm with ancillary equipment including inverter and substation house, security cameras, deer fence, new highway access and landscaping scheme.
- 1.2 The application site forms part of two fields known as Poors Field, located to the north of Spring Gardens and the settlement boundary of Enborne Row. There is an existing vehicular access to the field from Andover Drove to the west.
- 1.3 The northern boundary of the application site is a tree lined hedgerow beyond which are woodlands and a field. The eastern boundary of the application site comprises a tree lined hedgerow beyond which is a tennis court and residential dwelling known as Wash Water House. To the south of the application site is the remaining field area of Poors Field, the southern boundary of which is formed by trees and a small, wooded area, and beyond which are the residential properties of Spring Gardens and Enborne Row. The western boundary of the application site is a mature hedgerow and verge adjacent to Andover Drove. Further to the west is a treed hedgerow and field.
- 1.4 Poors Field is generally a gently sloping south facing field split into two with a post and wire fence and is currently used for sheep grazing and hay production. The applicants advise that Poors Field was historically used to provide fuel for the poor of the parish of Enborne.
- 1.5 There are some existing trees located within the application site, notably in the north-western corner of the field and approximately two thirds along the north boundary from the western edge of the site, as well as a single tree within the southern boundary of the application site. Two of those trees are category A mature oak trees.
- 1.6 The southwestern corner of Poors Field and the application site was located within Flood Zone 2 at the time the application was submitted. However, during the consideration of the application, the Environment Agency have since removed that flood zone and so the application site and Poors Field is located wholly within Flood Zone 1.
- 1.7 The proposal includes the erection of 6,000 solar panels, mounted as 57 static arrays (two panels tall) covering an area of approximately 1.87ha and generating approximately 3MWp (Mega-Watt peak) of electricity. The panels would be mounted on frames that are secured to the ground by screw fixings and face southwards. The highest part of the solar panels would be located approximately 3.6 metre above ground level and the lowest part located approximately 0.9m above ground level. The arrays would be located approximately 3 metres apart.
- 1.8 An inverter/substation is proposed to the western end of the site which comprises a 6.2m by 6.1m building approximately 2.5m in height, site on a 7m-by-7m concrete plinth. The inverter substation building would have two double door openings and be a prefabricated glass-reinforced fibre structure coloured olive green.
- 1.9 The existing access onto Andover Drove is proposed to be stopped up and a new access further north would be created. That new access would have a bell mouth of approximately 12.3m, narrowing to approximately 6.5m. It would be constructed of tarmac to a depth of approximately 22m from the edge of the carriageway, at which point the access would pass through a 4m wide gate onto a permeable surface turning area.
- 1.10 The area around the solar arrays, substation and turning/parking area within the application site would be fenced by a 2m tall deer proof fence. The proposed 4m wide gate would be a 2m tall powder coated mesh gate.

- 1.11 Along each side of the proposed access, and the western elevation of the proposed substation, new hedgerow would be planted. No trees are proposed to be removed as part of the development. Approximately 11m of existing hedgerow will need to be removed to create the proposed access and new hedgerow is to be installed where the existing access is located. It is proposed to gap up and maintain the existing hedgerows along the boundaries of Poors Field to a height of 3m. Additional trees are proposed to be planted in the southwestern and southeastern corners of the application site as well as along the northern boundary, together with a small native species copse approximately 15m by 4m at a location on the southern boundary of the application site. An area of approximately 2.4ha within the application site would be planted with a pollen and nectar rich wildflower mix.
- 1.12 Within the area covered by solar arrays and to the south of the proposed tarmac access, contour ridge and furrow ploughing is proposed to mitigate the impact of surface water runoff as a result of the development. Perimeter infiltration trenches/swales along the southern edges of the application site are also proposed.

2. Planning History

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

Application	Proposal	Decision / Date
20/00191/PREAPP	Written Stage 1: Installation of 8520 ground mounted solar photovoltaic panels (8520x410 - 3.5mwh) and associated infrastructure including electrical inverter cabins, transformers, switch gear, sub-station storage building, access track. Security fencing and CCTV cameras and landscaping and grid connection.	Response Issued 11/12/2020
22/00101/COMIND	Proposed solar photovoltaic farm and associated infrastructure with ancillary equipment including substation, security cameras, deer fence, attenuation basin, access track and soft landscaping scheme.	Withdrawn

3. Legal and Procedural Matters

Amended Plans and Additional Information

- 3.1 During the consideration of this application and following initial consultation responses received, the applicant submitted a package of amended plans and additional information which sought to address issues raised by consultees and officers. That package included:
- Amended location plan, site plan and landscaping plans submitted increasing the application site area and showing a revised siting and extent of solar panels to be installed, the extent of wildflower meadow, new hedgerow and tree

- planting, ridge and furrow ploughing and infiltration trenching, tree protection details, and permeable turning area proposed.
 - Additional plans comprising a temporary construction compound, entrance details and visibility splays, and entrance gate details.
 - Amended Planning Statement, Design and Access Statement, Arboricultural Impact Assessment, Ecology Survey, Transport Statement, Flood Risk Assessment and Surface Water Management Plan, Heritage Statement and Archaeology Assessment, and Landscape and Visual Impact Assessment (LVIA), to reflect the changes to the scheme proposed.
 - Additional information comprising a Glint and Glare Assessment, Biodiversity Metric Calculations and Conditions Assessment and a Construction Vehicle Management Plan.
- 3.2 Consultees were re-consulted in respect of that package. Third parties who had previously submitted representations to the application were also re-consulted and a site notice was also erected notifying the public of the submission of amended plans, as set out below.
- 3.3 **Environmental Impact Assessments (EIA):** Following submission of this application, the Local Planning Authority adopted an EIA screening opinion for the development proposed. Whilst the development proposed is classed as Schedule 2 development within the meaning of the EIA Regulations, taking into account the selection criteria in Schedule 3 of those Regulations, it was determined that the proposal is not likely to have significant effects on the environment in terms of the EIA Regulations. Therefore, the development proposed is not considered EIA Development within the meaning of the Regulations.
- 3.4 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on 6 July 2023 and the deadline for representations expired on 30 July 2023. A press notice was advertised in the Newbury Weekly on 6 July 2023.
- 3.5 Following the submission of a package of amendments and additional information during the consideration of the application, an amended plans site notices were displayed on 19 March 2024 and the deadline for representations expired on 12 April 2024. Members of the public who had previously submitted representations to the application were also notified by letter on 16 February 2024 of the submission of a package of amendments and additional information, providing further opportunity to submit representations.
- 3.6 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.7 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new

development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

- 3.8 Based on the CIL PAIR form, the development would not be liable for CIL. 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
- 3.9 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance.
- 3.10 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.11 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.12 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.13 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.14 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council

procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.

- 3.15 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of reducing carbon emissions, addressing climate change, and meeting the UK's obligations under the Paris Agreement of 2016.
- 3.16 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.17 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. Grade II listed buildings comprising Falkland Farm and a granary near Falkland Farm are located to the southeast of the application site along with Biggs Cottage northwest of the application site, East Woodhay House, west of the application site, and Boames Farmhouse, southwest of the application site. The southern half of the Registered Battlefield marking the site of the First Battle of Newbury in 1643 is located approximately 210 metres north of the application site. An assessment of the impact of the proposals is considered in section 6.
- 3.18 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. No Conservation Area is considered to be materially affected by the proposed development.

4. Consultation

Statutory and non-statutory consultation

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

Enborne Parish Council:	Strong support.
Adjacent Newbury Town Council:	Support.
Basingstoke and Deane Borough Council:	No objections.

Adjacent East Woodhay Parish Council:	Support.
WBC Highways:	Request visibility splay plan, details of HGV movements during construction.
WBC Ecology:	Require biodiversity metric calculations and conditions assessment to be submitted, an explanation for reduction in wildflower meadow and removal of pond from that previously proposed, a landscape plan to show proposed wildflower meadow planting. Need to include additional proposed tree and hedgerow planting to be located within the application site and additional assessment for hares and barn owls.
WBC Tree Officer:	No objections subject to conditions to secure tree protection and landscaping scheme.
WBC Archaeologist:	Low archaeological potential for in situ remains, therefore no major impact on below ground heritage assets from this proposal.
WBC Lead Local Flood Authority:	<p>The ridge and furrow system proposed by the applicant, along with wildflower planting provide benefits consistent with industry wide advice to offset increase in runoff from the solar farm. Industry advice also recommends a perimeter system put in place; this could be implemented along the south if possible to provide an additional means of slowing runoff prior to runoff shedding southwards. A perimeter feature may include an infiltration swale or filter drain/infiltration trench system. Whilst it is recognised infiltration conditions are likely poor in this area, this should provide appropriate mitigation for any increase in surface water runoff rates generated by the site. The maintenance strip suggested in the proposal may also need a form of dedicated drainage.</p> <p>I do not agree with the proposals for the substations or roads without evidence that the surface water drainage system has been designed. The applicant cannot state that they will do this "once the impermeable areas have been designed". This is a full application so detailed design should have already been carried out for surface water drainage matters particularly where there are design constraints associated with the soil conditions.</p> <p>The comments above should be addressed prior to approval. The assessment of flood risk seems reasonable. It should be noted that WBC are aware of flooding issues in the area and have been trying to establish the root cause of the issues. However, it is unlikely that the development will worsen flood risk downstream of the site providing the comments above are addressed and the surface water management proposals are implemented.</p>
Berkshire Newt Officer:	Recommend that reasonable avoidance measures, created by a suitable experienced ecologist, are used to further minimise the risk of impacting great crested newts if they are present.
WBC Environment:	Support. The proposed solar farm is in line with the objectives of the West Berkshire Environment Strategy and Delivery Plan. Request clarification as to where the wildflower meadow is located

	and how it will be secured and maintained. Request provision of Biodiversity Metric.
WBC Environmental Health:	No objections.
WBC Conservation and Design Officer:	No response received.
Environment Agency:	No response received.
WBC PROW:	No response received.
Ramblers' Association:	No response received.

4.2 The table below summarises the consultation responses received following reconsultation on the submission of the package of amendments and additional information. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Enborne Parish Council:	No response received.
Adjacent Newbury Town Council:	Support. Consideration to be given to the maintenance of drainage ditches and to drainage of the entrance area.
Basingstoke and Deane Borough Council:	No objections.
Adjacent East Woodhay Parish Council:	No response received.
WBC Highways:	No objections subject to conditions securing construction method statement and visibility splays.
WBC Ecology:	No response received.
WBC Tree Officer:	No objections subject to conditions to secure tree protection and landscaping scheme.
WBC Archaeologist:	There are no known heritage assets of archaeological interest within the site, and as it was formerly an area of allotments, I do not think this depth of ploughing is likely to have a major impact on any features of significance.

WBC Lead Local Flood Authority:	Require clarity on the proposed swale and bund design to confirm that the flows can be retained for up to and including a 100-year plus climate change storm event.
Berkshire Newt Officer:	No response received.
WBC Environment:	No response received.
WBC Environmental Health:	No objections subject to conditions to secure a noise impact assessment and implementation of any mitigation measures it identifies, hours of construction, and a scheme of measures to mitigate dust from construction.
WBC Conservation and Design Officer:	No response received.

4.3 Following the above comments from the LLFA, further information was provided by the applicant together with an amended proposed site plan showing an increased depth to the ridge and furrow ploughing and perimeter swales. That information was passed to the LLFA for review, but no comments have been received at the time of writing this report.

Public representations

Original application submissions:

4.4 Representations to the original application submissions have been received from 63 contributors, 11 of which supported, and 51 of which objected to the proposal. 1 impartial representation was also received.

4.5 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:

Support:

- Little visual impact and lack of evidence of harm to the character of the area.
- Benefits outweigh the visual impact in light of the Climate Emergency.
- Need renewable energy source to protect the environment for future generations.
- Contributes towards meeting government net zero targets.
- Innovative and exciting use of the land.
- Income generation for local population.
- Needed to meet the Parish' desires to reduce and offset CO₂ emissions from the approximately 280 residences in the parish.
- Would help to reduce further urbanisation of the area and thus protect the rural character.
- The panels would not cover the whole field, just 40% of it, so some of the land can still be used for sheep grazing as it is currently, and scrub woodland retained.
- A legacy for the next generation.

Object:

Increased flood risk and insufficient mitigation

- Increased risk of flooding to properties to the south of the field due to panels and concrete bases increasing runoff and reducing infiltration into the field. Spring Garden residents already experience flooding from field runoff.
- Proposed plough lines would not be sufficient at capturing the amount runoff, particularly taking into account the projected increase in peak rainfall.
- FRA states infiltration methods are unlikely to be effective due to a lack of permeability in the area. The proposed mitigation poses soil permeability can be increased, but there is a lack of calculations to evidence whether this increase would be sufficient.
- The flood risk assessment uses outdated surveys and data.
- It is not guaranteed that flood mitigation strategies would be maintained.

Harmful/poorly assessed impact on character of the local area and National Landscape (formerly NWD AONB)

- Panels, CCTV, and security fencing would not be in keeping with the rural appearance of the surrounding fields and woodland, and inappropriate to be sited amongst established dwellings in a small village.
- Harmful change of use from agricultural to industrial in an area adjacent the North Wessex Downs.
- Harmful visual impact as the site forms part of a rural barrier between Enborne Row and urban development of South Newbury.
- Impact on the North Wessex Downs landscape not fully assessed.
- No evidence of consultation with the North Wessex Downs/Conservation Board and the LVIA considers the development would not be visible from views across the landscape, contradicting Natural England's position.
- The submitted LVIA is incomplete – it notes the harm that 3-4m hedgerows can cause to views, but proposes a 3m hedgerow mitigation measure, and does not evaluate impact to the landscape.

Adverse impact on health and wellbeing

- Glare likely to impact properties to the south also road users on Andover Drove.
- No strategies for mitigating noise and visual impacts on Spring Gardens.
- Increased number of proposed panels to 6000 from 4752 under the previous application, increasing the dominance of the feature and glare impact.
- Risk of electromagnetic fields (EMFs) negatively affecting the health and wellbeing of families and local wildlife.
- The impact of Pb-based perovskite solar cells on the health of humans and wildlife is unknown and needs more testing.
- Could lead to an increase in traffic on country roads leading to an increased risk of accidents.

Value of the existing field - agriculture, biodiversity, and history

- Loss of good quality agricultural land for grazing or other forms of agriculture.
- The ground has not been surveyed for alternative use nor by DEFRA for agricultural usage.
- Loss of habitat for local wildlife.
- Biodiversity metric missing from the public portal. The net gain claim has no basis.
- Ecology report missing from the public portal.
- Would take away land for the community to use, as it was originally intended for.
- Not enough weight given to historic significance of the site as the Enborne Parish Poor's Allotment.

Lack of communication, consultation, and transparency

- The public were not engaged with regarding the reason for the withdrawal of the previous proposal, nor the proposed increase in the number of panels for the current proposal.
- The site being described as 'Land North of Spring Gardens' is deceptive, as locally it is known as 'Poors Allotment'.

- The majority of the local community is against the proposal.
- Concern that residential objection would not overcome financial benefits to some organisations/companies involved. Lack of confidence that the best interests of residents are taken into account.

Maintenance and site capacity

- Lack of certainty regarding whether the site will be appropriately maintained for the proposed 40-year period.
- Risk of the site becoming redundant and equipment not being removed safely.
- Nearest substation does not have capacity for an increased EV output of 3Mw.
- It would be more appropriate to have solar farms on unused fields adjacent motorways rather than residential areas.

Impartial:

- The proposed plough lines for flood mitigation could get blocked. A solid structure with drain covers might be more effective.

Amended application submissions:

4.6 Following the submission of the package of amendments and additional information to the original application submissions, representations were received from 14 contributors, 2 of which supported, and 12 of which objected to the proposal.

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

Support:

- Positive improvements have been made to the application.
- Reiteration of support – throughout the process the applicants have been patient, professional and so appear trustworthy.

Object:

Flood risk and mitigation management:

- Concerns remain that the proposed flood mitigation measures will not be maintained given the existing drainage ditch has not been maintained by the landowners and there is no clarity around who will be responsible for its maintenance.
- No financial security for the cost of maintenance and decommissioning.
- Concern that the FRA is prejudiced as there is a lack of evidence that it has been carried out independently, no test methodology and results are included, and conclusions appear mainly theoretical and based on assumptions.
- FRA provides no calculation for proposed increased permeability of soil.
- FRA states 'exceedance remains possible'; divergence to existing Spring Gardens drainage would be unacceptable.
- Drainage calculations are uncertain as no soil infiltration test was carried out.
- Runoff seen up to 2 weeks after rainfall has stopped.
- Further health and safety concern regarding the amount of runoff and potential for freezing, resulting in a hazard.
- No consideration of alternative sites such as brownfield land or commercial sites surrounding Newbury which offer better relief from flooding and access to Utilities Infrastructure.
- Sequential approach has not been followed.
- It has not been demonstrated that other sites on previously developed land are not suitable or that there are no other more suitable sites at a lower risk of flooding.
- The source and cause of flooding in the area is from the application site.

- The flood mitigation measures proposed by the applicant have been submitted with the sole aim of safeguarding the approval of the solar farm application, rather than the people and property that are affected by it.
- Proposed drainage is not integrated with surrounding fields and does not consider pollution control or pesticide dispersion.
- No consideration of surface water impact during construction.
- FRA is inaccurate and relies on unsubstantiated and incorrect information.

Impact on Landscape including National Landscape (formerly NWD AONB)

- LVIA does not evaluate impacts on the AONB.
- No evidence that AONB Partnership or Conservation Board have been consulted.
- Scale of proposal will dominate the landscape and impact on views from residential properties.
- Development is out of keeping with surrounding area.
- The effects of both the solar panel's presence, the cutting of furrow and swale into the surrounding land, and the presence and intrusion of security cameras and industrial infrastructure are uncharacteristic of the surrounding landscape.
- Loss of greenfield gap between Newbury and Wash Common.

Other

- Lack of transparency and clarity as to how the community will benefit economically.
- No reference to how transmission cables will connect to substation – a health and safety concern.
- Development will restrict movement of and disturb wildlife.
- No dormouse survey which are protected species and have been seen by local residents.
- Lack of communication with the community
- Previously raised concerns not sufficiently addressed.
- Actions of applicant raised doubts over future inclusion of community in this project.
- Land will not be available for alternative use by future generations and when solar farm no longer the industrial waste will then need to be resolved.
- Parish will not benefit from the scheme.
- Impact on food security.
- Need long term financial viability to ensure no financial burden on local community through increased Parish Tax.
- Concern regarding lack of transparency of financial arrangements for project, including decommissioning.
- Loss of agricultural land.
- Site is not accessible by all.
- Risk of electromagnetic fields (EMFs) negatively affecting the health and wellbeing of families and local wildlife.
- Risk of release of toxic materials (Pb-based perovskite solar cells) from solar panels in the event of weather damage or vandalism.

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, ADPP2, CS5, CS10, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS.1, ENV.16, OVS.5 and OVS.6 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)
- Technical Guidance to the National Planning Policy Framework
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Position Statement – Setting
- WBC Quality Design SPD (2006)
- WBC Landscape Character Assessment (2019)
- WBC Sustainable Drainage Systems (SPD)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Landscape, Character and Appearance
- Historic Environment
- Impact on Neighbouring Amenity
- Highway Impacts
- Flooding and Drainage
- Impact on Trees
- Biodiversity
- Soils and Agricultural Land Quality

Principle of Development

6.2 The most important development plan policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP2, and CS10 of the Core Strategy. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP2) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy.

6.3 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy and related to their transport accessibility and level of services. The urban areas will be the focus for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 The proposed application site is located on land between the settlement boundaries of Newbury and Enborne Row. As set out in the NPPF, there is an identified need for renewable energy schemes to support the transition to a low carbon future in a changing climate and renewable and low carbon energy and associated infrastructure is to be supported by the planning system. The NPPF also states that Local Planning Authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning. Moreover, the NPPF is clear that local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.

- 6.5 West Berkshire Council has not identified suitable areas for renewable and low carbon energy within the current Local Plan. The Core Strategy states that in order to reduce local carbon emissions and meet national targets, a policy approach that supports and reflects the significant challenge ahead needs to be adopted, and that any renewable energy schemes should be efficient.
- 6.6 Policy CS10 says that proposals to diversify the rural economy will be encouraged, particularly adjacent to Rural Service Centres and Service Villages. That policy goes on to say that proposals for appropriate farm diversification will be supported where it can be demonstrated that the proposal will make a long-term contribution to sustaining the agricultural enterprise as a whole. The proposed scheme is considered to represent a limited benefit in its contribution to the rural economy but will provide a significant benefit to the owner of the site, the Enborne Parish Field Charity.
- 6.7 Paragraph 11d of the NPPF states that where there are no relevant development plan policies decision makers should grant planning permission unless the NPPF gives a clear reason for refusing planning permission, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The development plan does contain relevant development plan policies as referred to above, but as no specific sites are allocated it is appropriate to have due regard to this presumption in favour of sustainable development.
- 6.8 Furthermore, paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable.
- 6.9 Overall, it is considered that the NPPF supports the provision of renewable energies.
- 6.10 According to paragraph 48 of the NPPF, local planning authorities may also give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to [the] Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.11 Policies SP5 and DM4 of the Local Plan Review relate to provision of renewable energy and support proposals for renewable energy subject to ensuring proposals are suitable for the location, do not result in the loss of the most versatile agricultural land and would not harm landscape and amenities.
- 6.12 Due to the stage of preparation of the emerging Local Plan, it is considered that moderate weight is given to those policies in the determination of this application.
- 6.13 Taking into account the relevant development plans policies, the national policies in the NPPF and the draft emerging policies in the Local Plan Review, it is concluded that the principle of development is acceptable. The overall acceptability of the development depends on compliance with the development plan as a whole and consideration of all other relevant material considerations.

Landscape, Character and Appearance

- 6.1 Policy CS14 requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It goes on to say that good design relates not only to the appearance of the development but the way in which it functions, and that the considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.2 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District, and adopts a holistic approach to ensure that the natural, cultural and functional components of its character will be considered, particular regard will be given to
- (a) the sensitivity of the area to change,
 - (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and
 - (c) the conservation, and where appropriate, enhancement of heritage assets and their settings (including listed buildings).
- 6.3 The application is supported by a Landscape and Visual Impact Assessment (LVIA) as well as a Glint and Glare Assessment.
- 6.4 The application site area is located within Landscape Character Area (LCA) WH1 which is described within the West Berkshire Landscape Character Assessment (2019) as: a topographically complex area with ridges and shallow valleys, incised by numerous small streams flowing from the spring line where the chalk meets the clay; woodland dominates the land cover, interspersed with arable and pasture fields and small areas of heathland; the extent of connected woodland creates an enclosed and very rural character despite the extent of settlement; the open areas have views across to Walbury Hill which forms a prominent backdrop; it is crossed by a network of rural lanes which provide a framework for the linear settlement pattern, particularly around Inkpen.
- 6.5 The landscape strategy for LCA WH1, relevant to this application include: the conservation and enhancement of heathland character; existing boundary elements, which would include field hedgerows and their restoration/reinstatement and management. Furthermore, the strategy sets out to maintain the distinctive patterns of settlement, rural character and conservation of the existing character of the rural lanes.
- 6.6 The proposal would result in a direct loss of an open area of grassland, which forms part of two fields and contributes to a varied field pattern within this intimate small scale rural landscape. This contributes to a key valued characteristic of this Landscape Character Area WH1: Inkpen Woodland and Heathland Mosaic. Therefore, the proposal would not conserve or enhance this area by replacing an open area of grassland with solar panels and associated infrastructure, which would also collectively result in a further change of the landscape character from rural to more suburban. The proposed development would also have an adverse landscape effect on the setting of the small village of Enborne Row, diluting its well intact adjacent rural character and setting. The proposed development would also be visible from the quiet adjacent road, Andover Drove, where initially there would be open views into the site. Once the hedgerow is planted across the old access and the remainder gapped up to a height of 3 metres, there would be a loss of views across this characteristic open field of grass to the adjacent mature areas of woodland. Therefore, the proposed development would not comply with Policy CS19 of the West Berkshire Core Strategy.

- 6.7 As stated within Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The proposal will introduce development into an area which will not respect or enhance the character of that area. Some mitigation measures have been proposed to screen the development, which if effective would also eventually result in the loss of rural views from the local landscape. The proposed mitigation measures will also not compensate for the adverse effect on the landscape character of the application site area and the two fields.
- 6.8 However, views into the site from the wider area are limited. Views will be possible from Andover Drove for a relatively short period directly in front of the site, and limited views of the development proposed from the rear of Spring Gardens would be possible. In addition, a distant narrow view between woodland from Enborne Street, some 250 metres to the north, and occasional very limited glimpses of the eastern most part of the site from a public right of way approximately 450 metres to the south (within Basingstoke and Deane) and Wash Water Road may also be possible, particularly in winter.
- 6.9 Additional landscaping to mitigate the impact of the development is proposed comprising: new hedgerow to be planted where the existing access is to be stopped up; gapping up and maintaining the existing hedgerows along the boundaries of Poors Field to a height of 3 metres; new hedgerow along the sides of the access road into the site; additional tree planting in the southwestern and southeastern corners of the application site as well as along part of the northern boundary, together with a small native species copse approximately 15m by 4m on the southern boundary of the application site; and, planting of a pollen and nectar rich wildflower mix across an area of approximately 2.4ha within the application site.
- 6.10 The proposed landscaping would further reduce the visual impact of the development proposed such that any residual harmful impact on the landscape and character and appearance of the area would be localised and limited. That harm and conflict with Policies CS14 and CS19 of the Core Strategy is considered in the planning balance.
- 6.11 In respect of the impact on the setting of the North Wessex Downs National Landscape, the site is located approximately 450 metres (at the closest point) to the northwest of the National Landscape located within Basingstoke and Deane, with the A43 dual carriageway located between the application site and the National Landscape. There would be no views of the site from the National Landscape and the A34 provides a natural barrier to the National Landscape. Therefore, there would be no impact on the landscape and scenic quality of the AONB as a result of the development proposed.
- 6.12 In respect of potential glint and glare from the proposal, a Glint and Glare Assessment has been provided which considers the potential impacts on ground-based receptors such as roads, rail and residential dwellings as well as aviation assets. Within 1km of the application site, the assessment identified 79 residential receptors and 72 road receptors which were assessed and no impacts on those receptors were identified. In respect of aviation, no significant effects as a result of the proposal were identified.
- 6.13 Therefore, it is not considered that the proposed development would detrimentally impact on the landscape or character and appearance of the area due to glint and glare.

Historic Environment

- 6.14 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty of the Council when determining planning applications that requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF also states that, when considering the impact of a proposed development on

the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 6.15 Policy CS19 Historic Environment and Landscape Character notes that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole.
- 6.16 The application was accompanied by a Heritage Statement and Archaeological Assessment. Whilst there are no listed buildings adjacent to the application site, within the vicinity (1km) of the application site there are a number of designated and non-designated heritage assets, together with the Registered Battlefield of the Battle of Newbury. The baseline data identifies that there are several grade II listed buildings comprising Falkland Farm and a granary near Falkland Farm to the southeast of the application site along with Biggs Cottage northwest of the application site, East Woodhay House, west of the application site, and Boames Farmhouse, southwest of the application site. The southern half of the Registered Battlefield marking the site of the First Battle of Newbury in 1643 is located approximately 210 metres north of the application site.
- 6.17 Due to the lack of intervisibility between the proposed development and listed buildings within 1km of the site, it is considered that there will be no harm to the setting of those listed buildings. In respect of the Registered Battlefield to the north of the site, for the most part it would be shielded from views of the proposed solar farm by intervening woodland. However, there would be a limited view of the eastern half of the solar farm from just outside of the southeastern boundary of the battlefield on Enborne Street due to the presence of a trackway to Woodlands Farm with open fields to its east and a thinning out of the woodland north of the application site. This would bring the proposal which would represent an urbanising built form within a rural landscape, partially within the wider setting of the battlefield. This intervisibility has the potential to intrude negatively into experiences of the battlefield from its wider surroundings. However, this visual impact would be limited, and any harm would be mitigated through the provision of natural screening in the form of planting of trees along the northern boundary of the application site and the gapping up and maintenance of hedgerow to 3 metres in height.
- 6.18 In respect of below ground heritage assets, the Heritage Statement and Archaeological Assessment submitted concludes that there is low potential for the presence of in situ archaeological deposits and features within the site. The Assessment has been reviewed by the Council's Archaeologist who agrees with the conclusion that there is low archaeological potential for in situ remains on this plot of former allotments for the poor, such that there would not be a major impact on below ground heritage assets from this proposal.
- 6.19 Therefore, it is therefore considered that the proposed development complies with the Core Strategy policies in respect of the historic environment.

Impact on Neighbouring Amenity

- 6.20 As part of the proposal an inverter/substation is to be constructed on site approximately 80m north-east of existing residential properties. The occupiers of these properties could be adversely affected by noise from the inverter/substation. The Council's Environmental Health Officer has reviewed the application and raised no objections subject to a condition securing a noise assessment and implementation of any necessary mitigation to ensure that the amenities of neighbouring properties are not detrimentally affected as a result of noise.

- 6.21 As previously noted, a Glint and Glare Assessment has been provided which has assessed the potential for glint and glare impact on neighbouring residential properties within 1km of the site. That assessment identified the potential for glint and glare impact on 5 residential dwellings. However, when accounting for intervening topography, vegetation, existing built form, and actual intervisibility between the proposal and those residences, no actual impact was established.
- 6.22 In respect of construction impacts, the construction phase of the proposal is likely to generate noise. There are existing residential properties located within approximately 60m of the application site's proposed access which may be adversely affected by such noise. As confirmed by the Environmental Health Officer, construction impacts can be adequately controlled by conditions securing construction hours of work and dust mitigation.
- 6.23 Due to the location of the proposed solar panels at a distance from neighbouring properties, the proposed development is not considered to introduce any significant overshadowing, overbearing or overlooking impact on neighbouring amenity.
- 6.24 Concerns have been raised in representations received regarding the impact on health and wellbeing as a result of electromagnetic fields (EMFs) and risk of release of toxic materials (Pb-based perovskite solar cells) from solar panels in the event of weather damage or vandalism. The Environmental Health Officer has reviewed the application and does not raise any concern in respect of those.
- 6.25 Therefore, the proposed development is not considered to give rise to significant issues of neighbouring amenity through overshadowing, overbearing, overlooking, noise pollution, or in terms of glint and glare from the panels. The development can be adequately controlled through the construction period by condition. The development is therefore considered to comply with Policy CS14 in this respect.

Highway Impacts

- 6.26 As part of the development proposed, the existing access to the site is to be stopped up and a new access created approximately 35 metres to the north of the existing access. The new access into the site would be laid with tarmac for approximately 22 metres from the carriageway to the point where it meets the proposed access gates. Beyond the gates, a permeable hardstanding surface for the parking and turning of vehicles within the site would be installed.
- 6.27 The application submissions advise that vehicle numbers associated with the construction phase of the development include 58 4-wheel lorry movements, 40 pick-up truck movements, 78 van movements, 4 car movements and 10 tractor movements. Total vehicle movements are expected to be approximately 190 during the construction phase of the development. It is proposed that deliveries to the site will be limited to between 0930 and 1500 hours. The proposed route for deliveries will be from the A34 to the south. A temporary construction compound will be provided within the site for contractor parking, deliveries and welfare facilities during construction. The applicant advises that the construction period is likely to last three months.
- 6.28 It is considered that the measures laid out in this Construction Vehicle Management Plan would minimise any potential inconvenience to local residents from Heavy Goods Vehicles making deliveries during the construction period of the development.
- 6.29 The applicant advises that once the construction period is complete and the solar farm is operational the scheme will not result in any material traffic generation, as the site will revert to a site for sheep grazing. The occasional maintenance vehicle may need to visit the solar farm, but this will be on an infrequent basis.

- 6.30 The Highway Authority has raised no objection to the application subject to conditions to secure construction in accordance with the Construction Traffic Management Plan submitted and the visibility splays to be provided at the new access.
- 6.31 Overall, the proposed development is considered to comply with Policy CS13, and highways safety can be managed through the implementation of the details in the submitted documents which can be conditioned accordingly.

Flooding and Drainage

- 6.32 The NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. The NPPF advises that where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 6.33 Previously, the southwestern part of the application site was located within Flood Zone 2. As part of the package of amendments and additional information submitted, evidence demonstrating that that flood zone designation was challenged and accepted by the Environment Agency. Subsequently the Environment Agency have altered their flood zone mapping and removed that Flood Zone 2 altogether. As such, the application site is wholly located within Flood Zone 1, the lowest risk from fluvial flooding.
- 6.34 There are areas of Flood Zones 2 and 3 some 220 metres to the south of the application site, along the corridor of the River Enborne.
- 6.35 Areas at risk of surface water flooding are identified to the west of the site including along Andover Drove, and within properties to the southwest and south of the site, including some properties within Spring Gardens located approximately 100 metres from the southern boundary of the application site. There are areas within the northeastern corner of the application site and directly to the south of the application site that are also recorded as at risk from surface water flooding.
- 6.36 The Technical Guidance to the NPPF considers that all uses of land are appropriate within Flood Zone 1. For development proposals on sites comprising one hectare or more in Flood Zone 1, the NPPF Technical Guidance confirms that the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off, should be incorporated in a flood risk assessment which only needs to be brief unless other local considerations require particular attention. In terms of Flood Risk vulnerability, the NPPF Technical Guidance confirms that the development proposed would represent appropriate development.
- 6.37 In respect of the need for a sequential test, as no part of the application site is located within Flood Zone 2 or 3 a sequential test is not required in accordance with Government Guidance (PPG) and the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source (NPPF). It is acknowledged that other Government Guidance (Flood risk assessment: the sequential test for applicants) also advises that a sequential test for a development in Flood Zone 1 is not necessary unless there are flooding issues in the area of the development. However, that extent of 'area' is not defined further and whilst it is acknowledged that there are pre-existing drainage issues to the south of the application site within Spring Gardens, the latest Government Guidance in the PPG and NPPF is clear that the development located within Flood Zone 1 is appropriate and does not require a sequential test.
- 6.38 Taking all of the above into account, Officer's do not consider that a sequential test is necessary for the development proposed.

6.39 In respect of ensuring that flood risk is not increased elsewhere as a result of the development proposed, as set out in the applicant's Flood Risk Assessment and Surface Water Management Plan a recent study into solar farms and hydrology concluded that:

'The addition of solar panels over a grassy field does not have much of an effect on the volume of runoff, the peak discharge, nor the time to peak. With each analysis, the runoff volume increased slightly but not enough to require storm-water management facilities.'

6.40 That same study ("Hydrologic Response of Solar Farms" published in the Journal of Hydrologic Engineering, produced by the American Society of Civil Engineers (ASCE)) considers that ground cover has a much more important control over runoff than the solar panels, which cause runoff to drip or flow off relatively slowly across the area of the panels, while allowing vegetation to grow beneath.

6.41 As confirmed by the LLFA in their initial response to the application, research shows that solar panels contribute very little to increases in surface water runoff rates but for larger solar farms the cumulative impact of a large surface area of solar panels could lead to additional volumes of water and increased runoff rates impacting downstream flood risk. However, the LLFA advise that the increase in flood risk will still be relatively small despite the scale of the site compared to many other forms of development as, whilst the solar panels are impervious to rain, they are mounted on metal rods and placed over pervious land. The LLFA reference the following advice produced by Essex County Council in respect of larger solar farms:

" The surface water usually flows from the surface of the solar array to the areas in between the rows with an increased kinetic energy. This leads to an increased concentration of surface water and erosion in these areas and has the potential to create channelised flows, eroding the soil further and increasing the volumes and rates of surface water discharge. This can be further exacerbated by lack of maintenance and further erosion/compaction from vehicles such as maintenance vehicles. Therefore, necessary mitigation is required to combat this effect and it should be demonstrated that whatever land management techniques are being used to ensure that the land maintains or improves its current infiltration potential include small amounts of storage too."

6.42 The initial proposals submitted included the creation of a ridge and furrow system of channels, contour ploughed within the area of the solar panels together with wildflower meadow planting. This was considered by the LLFA to be consistent with industry wide advice to offset set the increase in runoff from the solar farm. However, the LLFA also requested the provision of some form of perimeter system, such as a swale or infiltration trench, south of the solar panels in accordance with industry advice to provide an additional means of slowing runoff prior to runoff shedding southwards. In addition, the LLFA requested details of SuDS to be used for those impermeable areas comprising the substation/inverter building and tarmac access road.

6.43 As part of the package of amendments and additional information submitted, perimeter swales are now proposed along southern sections of the application site, following a consistent contour. A ridge and furrow SuDS system is also proposed to the south of the substation/inverter building together with a French Drain along the side of the tarmac access road.

6.44 The LLFA reviewed the package of amendments and additional information and noted that the proposed 'ridges and furrows' would not provide capacity for a 100-year plus climate change event and therefore requested clarity on the proposed perimeter swales and bund design to confirm that the flows can be retained for up to and including that storm event.

- 6.45 The applicant advises that neither storage nor infiltration can be represented precisely, but the values they have chosen for these parameters are reasonable and the modelling found that the proposed changes would manage most of the runoff from a 100-year plus climate change rainstorm. The applicant also advised that the boundary swales were not included in this simulation, and it is likely that most or all excess flow would be managed by that feature. Nonetheless, the applicant proposes to increase the depth of the ridge and furrow contour ploughing and perimeter swales to 300mm to achieve more storage and further modelling shows that this new configuration would retain all the runoff generated by a 1:100-year rainstorm with a 40% allowance for climate change.
- 6.46 The LLFA have been consulted on the further comments from the applicant and amended design of the proposed contour ridge and furrow ploughing and perimeter swales, but at the time of writing no response had been received.
- 6.47 It is acknowledged that from the information submitted by the applicant, and the information submitted with representations, together with site visits by officers, there is existing water flowing along an access footpath in Spring Gardens. However, the development proposed cannot be required to address a pre-existing drainage issue. Nonetheless, the development proposed must not increase flood risk elsewhere.
- 6.48 From the information provided by the applicant and the comments submitted by the LLFA, it is considered that the drainage measures proposed could adequately mitigate any increased surface water runoff subject to provision and agreement of the detailed design, management, and maintenance of the drainage measures, which can be controlled by planning condition.
- 6.49 On that basis, the proposed development is not considered to increase flood risk elsewhere and would comply with Policy CS16 of the Core Strategy and the NPPF.

Impact on Trees

- 6.50 The application is accompanied by an Arboricultural Impact Assessment (AIA) to BS 5837:2012. This includes a Tree Survey and Tree Protection details. The AIA confirms that no existing trees will be removed, and protective fencing will be installed to ensure those trees are retained. Only a section of existing hedgerow, approximately 11 metres long, will be removed to create the new access into the site.
- 6.51 As shown on the submitted landscape plan, additional landscaping to mitigate the impact of the development is proposed comprising: new hedgerow to be planted where the existing access is to be stopped up; gapping up and maintaining the existing hedgerows along the boundaries of Poors Field to a height of 3 metres; new hedgerow along the sides of the access road into the site; additional tree planting in the southwestern and southeastern corners of the application site as well as along part of the northern boundary, together with a small native species copse approximately 15m by 4m on the southern boundary of the application site; and, planting of a pollen and nectar rich wildflower mix across an area of approximately 2.4ha within the application site. The details of specific species, densities and specifications will be required and can be secured by a planning condition together with the management and maintenance of that landscaping.

Biodiversity

- 6.52 Policy CS17 of the Core Strategy requires development to conserve and enhance biodiversity within West Berkshire and maximise opportunities to achieve net gains in biodiversity.

- 6.53 The Council's Ecologist raised a number of questions in their initial response to the application. Subsequently, the applicant has provided an amended ecological survey report which does not identify any detrimental impact on protected species subject to clearance works being undertaken outside of the bird nesting season (March – August inclusive). The amended ecological survey recommends the laying of hedgerows to enhance the hedgerow habitat by creating a dense lower structure for nesting birds. In addition, the planting of the wildflower pollen and nectar mixture around the solar panel arrays should take place in spring or autumn and the sward left ungrazed during May and June to allow flowers to bloom and set seed. On that basis, together with the proposed landscaping to be planted, the ecological survey considers that the development proposed would provide a net biodiversity gain of 18.01% of habitat units and 14.06% of hedgerow units.
- 6.54 The Council's Ecologist was consulted on the amended Ecological Survey and additional information submitted including an updated Biodiversity Metric Calculator. However, no response was received.
- 6.55 The Berkshire Newt Officer advises that the application site falls within the amber impact risk zone for great crested newts. Based on the ecological information provided, there is a low risk of the proposed works impacting great crested newts and/or their habitats and the nature of the development means that there will be minimal loss of suitable habitat and ecological enhancements will be made within the site following the completion of the works. However, the site is largely described as being used for hay and therefore is likely to provide suitable habitat for much of the year, and there is a pond very near to the site. As such, the Berkshire Newt Officer recommends that reasonable avoidance measures, created by a suitable experienced ecologist, are used to further minimise the risk of impacting great crested newts if they are present. Those details can be adequately secured by planning condition.
- 6.56 It is considered that the applicant has adequately addressed the initial concerns raised by the Ecologist and has demonstrated that the development proposed would conserve and enhance biodiversity within West Berkshire and maximise opportunities to achieve net gains in biodiversity.
- 6.57 Overall, it is considered that the proposed development complies with Policy CS17, subject to applying appropriate conditions to secure provision of the measures detailed in the Ecological Survey and reasonable avoidance measures for great crested newts.

Soils and Agricultural Land Quality

- 6.58 Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system).
- 6.59 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by recognising the economic and other benefits of the BMV agricultural land.
- 6.60 An Agricultural Land Classification Assessment has been submitted which identifies 7ha of Grade 3b land and 2ha of Grade 4 land across the two fields within which the application site is located. Therefore, no BMV land as defined by the NPPF exists within the application site and the development proposed would not result in the loss of over 20ha of BMV to require consultation with Natural England.
- 6.61 Furthermore, the proposed development is unlikely to lead to significant permanent loss of agricultural land, as a resource for future generations. This is because the solar

panels would be secured to the ground by screw fixings with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

6.62 As such, the proposed development is not considered to conflict with paragraph 180 of the NPPF.

7. Planning Balance and Conclusion

7.1 The proposed development is considered to be supported in principle by the NPPF, the overarching aims of the Core Strategy and associated local planning policies. The proposed development would contribute towards addressing the Climate Emergency that the Council has declared, and towards meeting local and national policy on reducing carbon emissions, addressing climate change, and meeting the UK's obligations under the Paris Agreement of 2016.

7.2 Overall, it is considered there are substantial benefits to the proposed development that weigh in favour of granting planning permission.

7.3 The application site is generally well-contained within the landscape, and although there would be landscape and visual impacts, they are not considered significant when weighed against the benefits of the development proposed. The proposed layout has responded positively to the host landscape in terms of using the topography and landscape features to assimilate the development into its setting. Moreover, further mitigation can be secured through conditions. The biodiversity of the site, including trees, can be protected and enhanced as part of the proposals.

7.4 Whilst the development would be visible within the surrounding landscape, no significant issues in relation to historic assets and neighbouring amenity have been identified. The Highway Authority raises no objections to the access or potential impacts on the highway. There are no significant flood risk issues within the application site and conditions can be imposed to secure provision, management, and maintenance of appropriate drainage measures to ensure that the development would not increase flood risk elsewhere.

7.5 Overall, taking into account the main issues identified by this report and having regard to the representations made in response to application consultation, it is concluded that the proposed development complies with national and local planning policy and the benefits of the development outweigh the limited adverse effects. As such, the application is recommended for conditional approval.

8. Full Recommendation

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

8.2 Conditions pre-commencement conditions were agreed by the applicant on the 10th April 2024.

1. Commencement of development

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

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

2. **Approved plans**

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

- Location Plan, drawing number CALLEVA PL-01 Rev 6 received on 16 February 2024.
- Site Plan, drawing number CALLEVA PL-02 Rev 10 received on 19 March 2024.
- Landscaping Plan, drawing number CALLEVA PL-03 Rev 7 received on 8 February 2024.
- Proposed PV Panel Array and Fence Elevations Plan, drawing number CALLEVA PL-04 Rev 0 received on 5 June 2023.
- Substation Plans and Elevations, drawing number CALLEVA PL-05 Rev 0 received on 5 June 2023.
- Double Leaf Mesh Gates Plan, drawing number 54DLB204G Rev A received on 8 February 2024.
- Entrance Details and Visibility Splay Plan, drawing number 101438/CALLEVA/004/PL06 Rev 2 received on 8 February 2024.
- Temporary Construction Compound Plan, drawing number 101438/CALLEVA/004/PL05 Rev 1 received on 8 February 2024.

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

3. **Materials**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the materials need to be agreed prior to construction.

4. **Drainage Measures**

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. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates;
- c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365 methodology;
- d) Include run-off calculations based on current rainfall data models (FEH 2013 preferred), 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;

- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) 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;
- g) 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 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;
- h) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- i) 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;
- j) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);

The development shall not start generating electricity until the drainage measures have been completed in accordance with the approved details. Thereafter, the development shall be managed and maintained in accordance with the approved details.

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 the Sustainable Drainage Supplementary Planning Document (December 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

5. **Landscaping**

No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall incorporate the recommendations set out in the Ecology Survey produced by Chris Seabridge and Associates Ltd, dated November 2023 and received on 8 February 2024 and include:

- a) Detailed plans with planting a retention schedules, noting species, plant sizes and proposed numbers/densities.
- b) A programme or work including an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.

All landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first operation of the development (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are

removed, die, or become diseased or become seriously damaged within the lifetime of the development five years of completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Comprehensive landscaping is essential to ensure the development is appropriately assimilated into the environment, and detailed specifications and a programme of works are necessary to ensure proper establishment and maintenance. 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. A pre-condition is required because landscaping is essential to landscape and visual mitigation and so a clear strategy must be agreed before the development is built out.

6. Landscape Maintenance

No development shall take place until a Landscape Maintenance and Management Strategy has been submitted to and approved in writing by the Local Planning Authority. Such a strategy shall detail the maintenance and management of the landscape during the lifetime of the development and incorporate the recommendations set out in the Ecology Survey produced by Chris Seabridge and Associates Ltd, dated November 2023 and received on 8 February 2024. Thereafter the development shall be carried out and operated in accordance with the approved details.

Reason: To ensure that the landscaping remains of a sound quality throughout the lifetime of the solar farm, to the benefit of the character of the area and biodiversity. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP2, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026).

7. Hard landscaping

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

Reason: Hard landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

8. Noise Assessment

No development shall commence until a Noise Assessment and a scheme for protecting existing dwellings in the vicinity from noise generated by the solar farm/inverter/substation has been submitted to and approved by the Local Planning Authority. No electricity shall be generated by the development hereby permitted until the noise mitigation measures identified in the approved Noise Assessment have been fully implemented. The noise mitigation measures shall be retained and maintained thereafter for the lifetime of the development.

Reason: To protect the amenity of nearby residents from unacceptable noise generated by the solar farm. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy

(2006-2026). A pre-commencement condition is necessary as any mitigation measures may need to be implemented during construction of the development.

9. **Dust Mitigation**

No development shall commence until a scheme of works that sets out the measures that will be taken to minimise dust arising from the development has been submitted to and approved in writing by the Local Planning Authority. The approved dust mitigation measures identified in the scheme shall be carried out and maintained during construction and until construction is completed.

Reason: To protect the amenity of neighbouring properties during the construction period. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary as the dust mitigation measures will need to be implemented during construction.

10. **Reasonable Avoidance Measures for GCN**

No site/vegetation clearance or development shall take place until a method statement produced by an experienced and qualified ecologist detailing the reasonable avoidance measures for Great Crested Newt to be undertaken during site clearance and construction has been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved method statement.

Reason: To prevent harm to a protected species (Great Crested Newt) during construction and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to GCN, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

11. **Restrictions during bird breeding season**

No site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged, and the nest is no longer in use.

Reason: To prevent harm to nesting birds from vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

12. **Access and visibility splays**

The first development operation shall be the construction of the site access onto Andover Drove in accordance with the approved details. No further development shall take place until the access has been completed in accordance with the approved details, and the visibility splays shown on the Entrance Details and Visibility Splay Plan, drawing number 101438/CALLEVA/004/PL06 Rev 2 received on 8 February 2024, have been provided at the site access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

Strategy (2006-2026). A pre-condition is necessary because safe access must be maintained from the outset of construction.

13. Lifetime of development

No electricity shall be generated by the development hereby permitted until 14 days prior notice has been submitted to the Local Planning Authority in writing. The development hereby permitted shall be removed in its entirety and the land restored to its former condition within 30 years and six months of the date that electricity was first generated by the development, or within six months of the development failing to generate electricity for 12 consecutive months, whichever occurs first. The land shall be restored to its former condition to enable it to revert to agricultural use in accordance with a scheme of decommissioning work and land restoration that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the land is restored to its original undeveloped condition following the expiry period or once the development fails to generate electricity, in the interests of protecting the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP2, CS10, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

14. Decommissioning removal of operational development

As part of the decommissioning process required by Condition 13, all operational development in, on, over or under the land enclosed by the red line on the Location Plan associated with the development hereby permitted shall be completely removed from the application site within 30 years and six months of the date that electricity was first generated by the development, or within six months of development failing to generate electricity for 12 consecutive months, whichever occurs first.

Reason: To ensure that the land is restored to its original undeveloped condition following the expiry period or once the development fails to generate electricity, in the interests of protecting the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP2, CS10, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026).

15. Hours of work

No demolition or construction works including works of preparation prior to building operations, shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

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

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

16. Tree protection

All tree protective fencing and ground protection shall be erected and installed in accordance with the Arboricultural Impact Assessment produced by Chris Seabridge and Associates Ltd, dated November 2023 and received on 8 February 2024. The protective fencing shall be implemented and retained intact for the duration of the development, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas, there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.

Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features

during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

17. Construction Traffic Management Plan (CTMP)

The development shall be carried out in accordance with the approved Construction Traffic Management Plan Revision C dated February 2024 and Temporary Construction Compound Plan, drawing number 101438/CALLEVA/004/PL05 Rev 1 received on 8 February 2024.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. External Lighting

No external lighting shall be installed within the application site until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are appropriately designed. No external lighting shall be installed anywhere within the application site except in accordance with the above strategy.

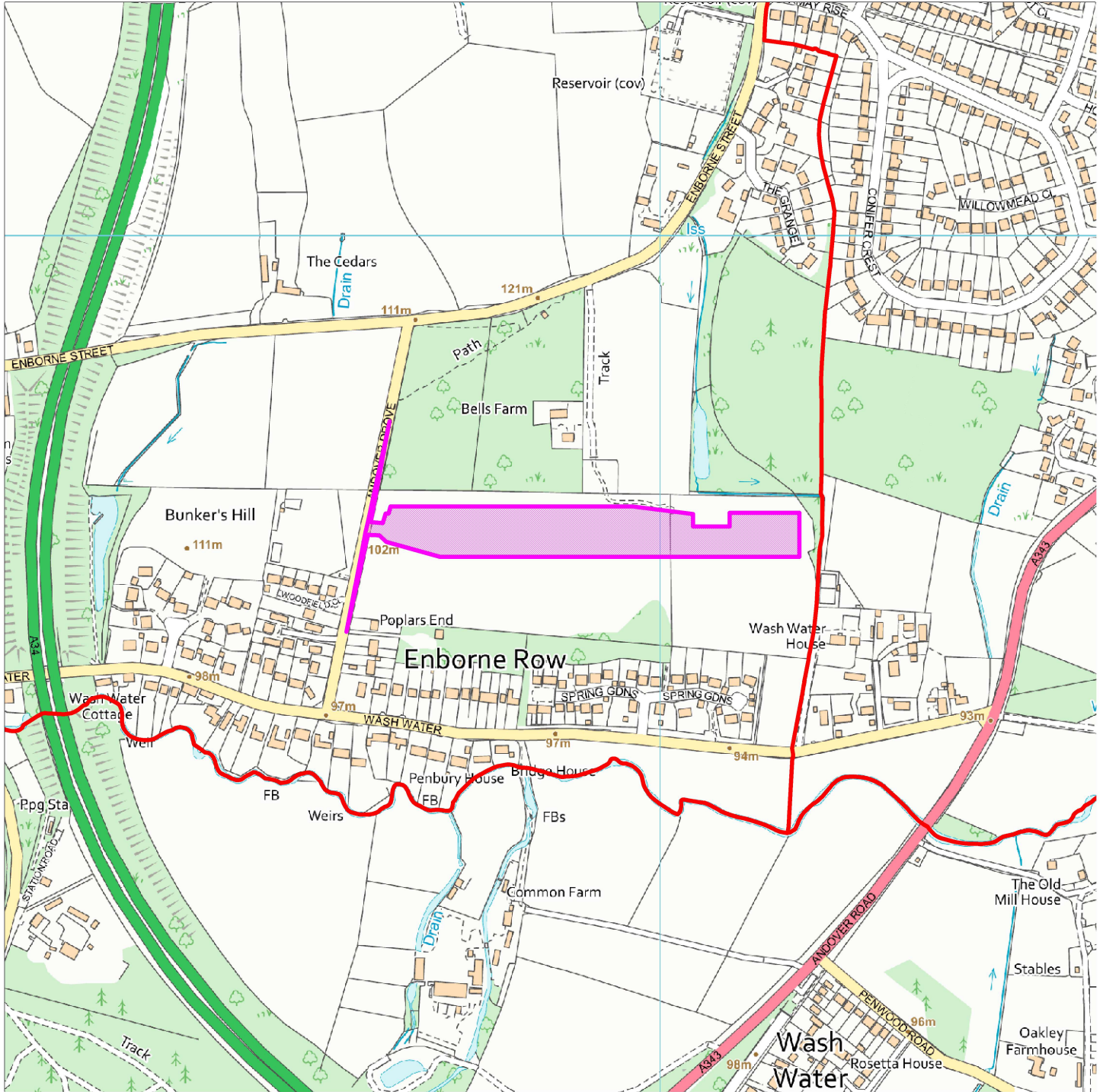
Reason: To ensure that external lighting does not harm the character and appearance of the area, neighbouring amenity or biodiversity. This condition is applied in accordance with the National Planning Policy Framework and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagement@westberks.gov.uk should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.
3. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.
4. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. Any temporary signing affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

6. Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
7. This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
8. Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

Land North Of Spring Gardens, Wash Water



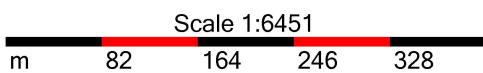
Map Centre Coordinates :

Scale : 1:6450

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	14 May 2024
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	23/01577/FUL Chieveley	31 st August 2023 ¹	Demolition Of Industrial Units And Pigsty, And Construction Of 4no. Residential Dwellings And Parking Provision (Pursuant To Refusal 22/00106/FULD) Buildings and Land to the rear of Londis Stores High Street, Church lane, Chieveley, Newbury Chesterton Commercial Group

¹ Extension of time agreed with applicant until 24th June 2024

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01577/FUL>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions and a S106 agreement

Ward Member(s): Councillor Heather Codling
Councillor Paul Dick

Reason for Committee Determination: More than 10 objections

Committee Site Visit: 22nd April 2024

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the demolition of industrial units and pigsty, and construction of 4no. residential dwellings and parking provision (pursuant to refusal 22/00106/FULD).
- 1.3 The application site is located to the rear of the Londis Convenience Store, High Street, Chieveley approximately 50 metres south of the Church Lane/East Lane junction, to the west of High Street. The site is accessed via an existing private drive directly from Church Lane. The western part of the site is within the Chieveley Conservation Area, and the North Wessex Downs National Landscape (formerly known as the North Wessex Downs Area of Outstanding Natural Beauty) sweeps over the site.
- 1.4 The proposal is consistent with similar developments, with examples of one and half storey dwellings in the surrounding area. Whilst there is a linear pattern of development along the High Street, there are tandem developments with the dwelling called Lynch Gate located further east of the site, and recently constructed dwelling called Dalmore House, to the west of the site. In addition, the site is located in a concealed location to the rear of the buildings along the High Street. The site is currently occupied by disused industrial buildings in a poor condition, which were formerly used as a bakery, and a pigsty.
- 1.5 The proposal will incorporate two pairs of semi-detached dwellings and each dwelling will consist of three bedrooms. The proposal will also deliver associated car parking, bicycle and bin storage with access from Church Lane.

2. Planning History

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

Application	Proposal	Decision / Date
77/06482/ADD	Extension of existing shop into adjoining hall and living room	Approved 06/07/1977
87/29830/ADD	Change of use of warehouse to workshop	Approved 14/10/1987
22/00106/FULD	Demolition of Industrial Units and Pigsty, and Construction of 4no. Residential Dwellings and Parking Provision	Refused 29/11/2022

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 29th September at the entrance to the site on Church Lane, with a deadline for representations of 20th October 2023. A public notice was displayed in the Newbury Weekly News on 27th July 2023; with a deadline for representations of 10th August 2023.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4-3.5
New Homes Bonus	Yes	No	3.6
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 Based on the CIL PAIR form, it appears that the CIL liability for this development will be in the region of £68.870 and index linked. 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

- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant) However, any interference with the right to a private and family life and home arising from the scheme as a result

of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of additional new homes, and enhancements to the Conservation Area.

- 3.13 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.14 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. St Mary's Church is a Grade II* listed building situated to the north-west of the site, The Old House, is a Grade II listed building to the north-east of the site, Chieveley House a Grade II* listed building, and Outbuilding south of Chieveley House and Wall Gate and Piers at Chieveley House, are Grade II listed buildings are to the South- east of the application site. An assessment of the impact of the proposals is considered in section 6.
- 3.15 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The site is partially within the Chieveley Conservation Area.

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.

Chieveley Parish Council:	Object: limited parking with road congestion in Church Road and the High Street, safety for pedestrians, removal of parking for church users, not in keeping with the Village Design Statement and Parish Plan, does not enhance the Conservation Area, bland design and includes flat roof elements. Insufficient weight given to the enhancement of the Conservation Area, SuDS officer objection, archaeology investigation inadequate, the EHO identifies issues, insufficient contaminated land assessment, 2021 amendment to dormer not included, tree impacts.
WBC Highways:	No objections.
Environmental Health:	1 st response- Concerns about store noise and activities to future residents, noise and light disturbance and potential land contamination. 2 nd Response: Land contamination and noise mitigation can be dealt with by conditions. Further external lighting could be

	investigated as a potential nuisance under the Environmental Protection Act 1990.
Archaeology	Recommend a condition requiring a scheme of investigation for a programme of archaeological works and a building recording condition.
Ecology:	1 st response: Insufficient information about nutrient neutrality, recommend conditions for lighting and precautionary biodiversity method statement. 2 nd Response: A Habitats Regulations Assessment has been completed and subject to a condition restricting occupation until after 1 st January 2025, and off-site provision of arable farmland planted, this is acceptable.
Natural England:	No Objection subject to appropriate mitigation being secured.
Lead Local Flood Authority:	1 st Response: The Flood Risk Assessment is acceptable, but the drainage strategy is not. 2 nd Response: Recommend a condition with further drainage details to be provided.
Trees:	1 st Response: Requested an updated arboricultural method statement 2 nd Response: No objections subject to conditions
Conservation:	No response received
Waste Management:	No response received
North Wessex Downs National Landscape:	No response received
Thames Water:	No response received

Public representations

- 4.2 Representations have been received from 18 contributors, none of which support, and 18 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- The site and number of houses is not in keeping with Chieveley & AONB
 - Overdevelopment of a small plot, density too high
 - A very urban design
 - Additional traffic a risk to pedestrians, particularly children, school bus point, access to the church
 - The access lane has no pavements

- Insufficient garden space, doesn't comply with SPD guidance
- Lack of parking, congestion in Church Lane and High Street
- Blind spot coming out of Church lane
- Drainage systems can't cope with additional flow, could make flooding in High Street worse
- Community cohesion
- Lack of outdoor storage
- The properties look the same and should be of individual character.
- Parking should be provided for occupants of flats above the shop.
- Permitted development rights should be removed to protect character of the village.
- Commitment given that north dormer would be altered to a roof light.
- Potential overlooking from rooflights in plot 1, these should be obscure glazed.
- Displacement parking behind the shop leading to more parking on the High Street
- Impact on privacy to plots 1 and 2 having access to the rear of properties.
- Querying access to the High Street from the rear of plot 1 & 2, and boundary treatments
- Potential impact on neighbouring trees
- Access for oil tanks
- Ground levels should be restored to maintain privacy levels from plots 3 & 4, existing boundaries to be maintained.
- Concern about asbestos hazards form buildings that need removing or altering.
- Impact on the shop as there may be a reduction in shoppers due to lack of parking.
- No material change since the previous application was refused.
- Two houses, as originally suggested would be more appropriate.

5. Planning Policy

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

- Policies ADPP1, ADPP5, CS1, CS4, CS5, CS6, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)
- Cycle and Motorcycle Advice and Standards for New Development (2014)

- Chieveley Village Design Statement

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, character and appearance
- Heritage
- Impact on neighbouring amenity and quality of life
- On site amenity for future occupiers
- Highway safety
- Trees and landscaping
- Flooding and drainage
- Biodiversity
- Nutrient neutrality
- Land Contamination

Principle of development

6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land, and sets out the settlement hierarchy for the District, and includes Chieveley as a Service Village where there will be a more limited range of services and some limited development potential. Policy ADPP5 also says that within the service villages in the AONB, limited development including housing will be accommodated to maintain the areas as vibrant and balanced communities with their own sense of identity. Policy C1 also states that there is a presumption in favour of development and redevelopment within the settlement boundary of Chieveley. The principle of the redevelopment of the site is considered to be acceptable in principle, subject to the consideration of the following matters.

Character and appearance

6.3 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Policy CS19 outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard has been given to the sensitivity of the area to further change and ensuring that any new development is appropriate in terms of location, scale, bulk, and design in the context of the existing settlement form, pattern, and the character of the area. Supplementary Planning Document Series: Quality Design (SPDQD) part 2 offers guidance on how to preserve residential character by emphasising that respecting the physical massing of an existing residential area is a critical part of protecting residential character. The physical bulk of the proposal would need to be considered in terms of its footprint, length, width, and height in line with the guidance within SPDQD) part 2.

6.4 The western part of the site is within the Chieveley Conservation Area. The area is consistent with similar developments, with one and half storey dwellings. Whilst there is a linear pattern of development along the High Street, there are tandem developments with the dwelling called Lych Gate and Dalmore House located further west of the site. The site is located in a concealed location to the rear of the buildings along the High Street, with only glimpsed views from the High Street. The pairs of

semi-detached houses are designed in a traditional manner with a pitched roof with hipped ends, features consistent with the residential properties within the area in terms of appearance, height and scale, and supported by the Chieveley Village Design Statement. The front elevations consist of three one and half storey gables plus single gable porches. The roof design is consistent and symmetrical, with dormer windows in the side elevations. The application proposes the use of a mixture of red bricks and render on the elevations, and slate on the roofs. Overall, the proposed materials are appropriate within the context of the site.

- 6.5 The North Wessex Downs National Landscape sweeps over the whole of the village. The site is well contained within the built form of the village, and so Officer's considered that the proposed dwellings and landscaping are of an acceptable standard of design, size and scale within the context of the area adequately respecting and enhancing the distinctive village character of the this part of the North Wessex Downs National Landscape.

Heritage

- 6.6 Policies CS14 and CS19 seek to protect the setting of heritage assets and the character of Conservation Areas, and the NPPF also sets out advice for assessing the impact of development on heritage assets. The eastern part of the application site is within the Chieveley Conservation Area. Whilst there are listed buildings close to the application site, due to intervening development none of these are affected by the proposed development, either directly or in terms of their setting. The development site consists of unused buildings in a poor state of repair, and their removal and replacement with the proposed development could be viewed as an enhancement of the site. The general palette of materials proposed is considered to be appropriate for the site, and the location within the Conservation Area, and can be secured through conditions.
- 6.7 The Archaeologist has identified that the site may have some archaeological potential, as it is situated within the historic core of the village, which has Saxon origins, and there is the possibility of medieval or earlier below ground remains on the site. No field evaluation of the site has been carried out, and so it would be appropriate to secure through conditions a programme of archaeological supervision during the works. In addition, the pigsty may have been part of a group of buildings, which may contribute to the story of rural life and so a building recording condition is required, and this can be secured as part of any permission.
- 6.8 The proposal to develop four houses on the site is considered to be acceptable within the setting of the Conservation Area, with conditions to ensure that suitable materials are used, and with conditions to secure a watching brief and building recording, the proposal will not be harmful to the designated assets.

Impact on neighbouring amenity and quality of life

- 6.9 Policy CS14 also requires that new development makes a positive contribution to the quality of life in West Berkshire. The Quality Design SPD also sets out guidance for assessing the impact on new development on neighbouring dwellings. There are residential properties around each of the boundaries of the site, the nearest being residential flats above the shop to the east of the site. There have been objections raised about the impact on the dwellings on adjacent properties, particularly with regards to the impact on privacy.
- 6.10 The first floor windows are a mixture of roof lights and dormer windows. The roof lights are at a sufficient distance away from nearby properties, and with a sufficient range to prevent overlooking, particularly to The Chase to the north, and the flat above the shop to the east. In addition, the bedroom window is proposed to be predominantly obscure

glazed to prevent direct overlooking, other than a high level opening window. The dormer window on the north elevation will face towards an outbuilding of The Chase to the north, and this sufficient to prevent overlooking to the amenity areas of that house. The boundary fences will be sufficient to prevent overlooking at the ground floor level, from windows and garden areas to neighbouring properties, and considering the orientation with the surrounding dwellings. Conditions can be imposed to secure the obscure glazing in perpetuity and to ensure adequate boundary treatments to ensure screening. The submitted plans indicate that the ground levels will be retained across the site, with only small variations as a result of the development,

- 6.11 The application has been submitted with shadowing diagrams indicating the shadows at different times of the day at different days of the year. This shows that overall there will be very little difference to the shadowing of the surrounding dwellings and gardens, than is currently experienced, as a result of the current buildings on the site.
- 6.12 The proposals are not considered to be harmful to the living conditions of adjacent dwellings.

On-site Amenity for Future Occupiers

- 6.13 Policy CS14 required a good quality design and well-designed places to meet the amenity needs of future occupiers, and the Quality Design SPD sets out relevant guidance. The shadowing diagrams indicate that there is a sufficient separation distance of plots 1 and 2 from the rear of the shop to ensure sufficient sunlight and daylight to the rear rooms of plots 1 and 2 throughout the year to provide adequate levels of daylight.
- 6.14 The Environmental Health Officer has also considered additional noise and disturbance which may be experienced by future occupiers, as a result of the proximity to the shop, and the A34. Noise mitigations measures have been proposed, including acoustic fences, acoustic glazing and ventilation. However Environmental Health require further details to secure adequate noise mitigation measures are provided which can be secure through conditions.
- 6.15 The third party comments have referred to most of the garden area proposed being below the guidance levels provided in the Quality Design SPD, which suggests from 100 sq. metres for 3 or more bedroom houses, and from 70 sq. metres for 1 and 2 bedroom houses and bungalows. The guidance also refers to the quality of the space and requires a garden to be large enough to accommodate features such as a garden shed, washing lines, areas for sitting outside in comfort and reasonable privacy and space for children's play. The green areas proposed are from 83.88 sq. metres to 132.52 sq. metres. Whilst this is below the SPD guidance, they all show space for bin storage, sitting out, play space and cycle storage. The shadowing diagram also show that the gardens will all receive some sunlight, except in December, when it is less likely that occupiers will be spending much time sitting out. The garden areas, whilst below the SPD guidance are considered to be sufficient to meet the needs of the future occupiers.
- 6.16 However to ensure that sufficient garden space is maintained to serve the needs of the occupiers in the further it is necessary to restrict permitted development rights for extensions and outbuildings, which may reduce the amount of useable garden space available to future residents.

Highway Safety

- 6.17 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for new residential development.

6.18 There were objections raised about the potential increase in traffic on Church Lane, and the potential danger to pedestrians, and potential displacement of parking for residents of the flats, and potential increase in on street parking in the High Street. The Highway Officer has not raised any objection to the proposal. The site plans shows 10 parking spaces with 8 electric vehicle charging points, and the provision of bicycle storage sheds. The parking proposed meets the requirements of Policy P1. A Swept Path analysis has also been submitted to indicate that refuse vehicles can enter and exit the site form Church Lane in forward gear. The proposal is considered to be acceptable.

Trees and Landscaping

6.19 Policy CS18 and CS19 require that the District's green infrastructure is protected and enhanced, and that the landscape character is preserved an enhanced. The application was submitted with a Tree Survey and Arboricultural Method Statement, which were updated in the course of the application to reflect the requirements of the Tree Officer. The details which have been submitted indicate that tree protection measures can be included in the development, which can be secured through conditions, to protect trees which are adjacent to the site. In addition, a condition requiring further landscaping proposals to ne approved and implemented can be secured.

Flooding and Drainage

6.20 Policy CS16 requires that on all development site, surface water will be managed through implementation of Sustainable Drainage Methods (SuDS). The application site is within Flood Zone 1, which has the lowest probability of flooding. The previous application on the site, as insufficient information had been provided with the application, as the way that surface water is manged is linked to how the development can achieve nutrient neutrality, as discussed below.

6.21 The application was amended to include additional drainage information following the initial comments of the Drainage Engineer. The application proposes the use of rain gardens, and the infiltration calculations submitted have been accepted. The details which have been submitted are considered to be acceptable, subject to a condition requiring the submission of further design details, prior to the commencement of the development. These details are considered to be acceptable and have overcome the previous reason for refusal.

Biodiversity

6.22 Policy CS17 requires that biodiversity assets across West Berkshire are conserved and enhanced. The application as submitted with a Preliminary Ecological Appraisal which indicated that the there was no evidence of bats in the external or internal inspection of the building on the site, which are proposed to be demolished. However, they were assessed as having low to moderate potential to support roosting bats. A further emergence study was undertaken which indicated that roosting bats were likely to be absent. However, given the potential risk from the proposed works, a condition requiring a precautionary method statement for the removal of the buildings to ensure no bats or protected reptiles are injured or killed as a result on the development.

6.23 The Ecology Appraisal also indicated that biodiversity enhancements can be provided through the provision of four bat boxes, with one for each dwelling. These can be secured through conditions. In addition, a lighting scheme should be submitted for approval prior to the occupation of the building, to ensure that lighting will not impact the local bat population. This can be secured through conditions.

Nutrient Neutrality

- 6.24 The proposed development falls within the catchment of the River Lambourn SAC and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorous must take into account Natural England's Advice on Nutrient Neutrality dated 16th March 2022. West Berkshire Council will need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission. A Habitats Regulations Assessment has been completed, which demonstrates that with mitigation measures, and with the imposition of a condition limiting occupation of the dwellings to after 1st January 2025 when works to the Chieveley Wastewater works have been completed, the proposed development will not have an adverse effect on the integrity of the River Lambourn SAC.
- 6.25 It is proposed to provide off-site mitigation in the form of 0.57 hectares of land situated to the south of Green Lane, Chieveley, which is currently arable land, which will be fallowed and a new woodland planted at a density of 100 trees per hectare. This can be secured through a S106 agreement, and has been considered to be acceptable as part of the Habitats Regulations Assessment.

Land Contamination

- 6.26 Policy OVS5, requires that permitted development does not give rise to an unacceptable pollution of the environment, and the NPPF sets out guidance for addressing land contamination on development sites. A preliminary Desk Study sets out a basic risk assessment of the potential contamination on the site and indicates that there could be potential pollutant leakages that could pose a risk to the future occupiers and indicates that further exploratory instructive investigations should be carried out. The Environmental Health Officer is content with this approach and has requested a condition to secure a further investigation, and if any contamination is discovered to carry out further surveys, and submit a scheme of remediation for approval, with details of the subsequent implementation and verification, to be approved.
- 6.27 The potential for asbestos within the buildings to be demolished has been referred to. However, the control of asbestos within buildings is covered by separate legislation, and so is not part of the consideration of this application.

Parish Council representations

- 6.28 Chieveley Parish Council in their original objection raised concerns about parking and congestion in Church Road and the High Street. These matters have been addressed within the report and the Highways Officer is satisfied with the development as proposed. The Parish Council have said that the plans are not in keeping with the Village Design Statement and Parish Plan, and do not enhance the Conservation Area. These matters have been addressed within the report. The individual matters with regards to the drainage, archaeological investigations, Environmental Health Officer comments with regards to lighting, and land contamination, and trees have been dealt with in the amendments to the application or can be secured through conditions.
- 6.29 The Parish have referred to an intention of the developer to replace a dormer with rooflights. The plans before us are those to be considered, and the assessment indicate that the development as proposed will not be harmful to the privacy of surrounding occupiers.

7. Planning Balance and Conclusion

- 7.1.1 This application is proposing the erection of four dwellings on a redundant industrial site. There will be a social benefit of the development through the additions of this windfall site to the housing land supply. The proposal will provide short term and limited economic benefits during the construction phase of the development, and additional population which may use the businesses and services within the village, but given the 4 units proposed this is a limited benefit. There are environmental benefits through the removal of the redundant buildings which are in poor repair, and the proposed buildings are considered to conserve the Conservation Area, and it is considered to be a sustainable form of development which accords with the relevant development plan policies and the advice contained within the NPPF. The application is therefore recommended for approval.

8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed within three months (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 Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

1. **Commencement of development**

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

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

2. **Approved plans**

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

Location Plan Drawing No 21-24-250 received 29th June 2023
Block Plan Drawing No 21-24-251 Rev F received 30th November 2023;
Plots 1 and 2 Floor Plans and Elevations Drawing No 21-24-253 received 29th June 2023;
Plots 2 and 3 Floor Plans and Elevations Drawing No 21-24-254 received 29th June 2023;

Arboricultural Method Statement prepared by Arbtech dated 23 November 2023 received 30th November 2023;
Arboricultural Impact Assessment Drawing No Arbtech AIA 01 received 30th November 2023;
Tree Protection Plan Drawing No Arbtech TPP 01 received 30th November 2023;

Phase 1 Geo-Environmental Desk Study prepared by EPS reference UK22.5939 dated June 2022 received 30th November 2023;

Flood Risk Assessment & Sustainable Drainage Strategy prepared by MTC Engineering received 29th June 2023, and as amended by letter from MTC Engineering dated 27th November 2023 received 30th November 2023;

Noise Impact Assessment prepared by 24 Acoustics ref R9588-1 Rev 0 dated 21st June 2023 received 29th June 2023;

Cover Letter from Partners in Planning and Architecture ref 2021.24 dated 28th June 2023, received 29th June 2023; and
Heritage Planning, Design and Access Statement prepared by Partners in Planning and Architecture ref 2021.24 dated 28th June 2023, received 29th June 2023.

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

3. Materials

The construction of the dwellings shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.

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

4. Programme of archaeological work

No demolition shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

5. Building Recording

No demolition shall take place within the application area until the applicant has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that an adequate record is made of these buildings of historical or archaeological interest. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

6. Sustainable Drainage

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. These details shall:

- a) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- b) 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 including hydraulic connectivity between drainage features, as appropriate;
- c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels within the exact location of the proposed infiltration devices. Groundwater monitoring should be undertaken to a minimum depth of 1m below the detailed design of the infiltration device. Soakage testing shall be undertaken in accordance with BRE365 methodology;
- d) Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development;
- e) Include pre-treatment methods to prevent any pollution or silt entering Suds features or causing any contamination to the soil;
- f) 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;
- g) 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.

The above sustainable drainage measures shall be implemented in accordance with the approved details before dwellings hereby permitted are occupied.

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 the construction phase and so it is necessary to approve these details before any development takes place.

7. **Electric Vehicle Charging Points**

No dwelling shall be first occupied until an electric vehicle charging point has been provided dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy

Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

8. **Construction Method Statement**

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

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

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required as this condition requires approval of operational details throughout the demolition and construction phase of the development.

9. **Parking/turning in accord with plans**

No dwelling shall be occupied until the vehicle parking and turning space have been surfaced, marked out and provided for that dwelling (including any surfacing arrangements and marking out) have been completed in accordance with the approved plans. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD 2006-2026.

10. **Cycle Storage**

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

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

11. Precautionary Biodiversity Method Statement

No development shall take place (including any ground works, site or vegetation clearance), until a precautionary method statement for the removal of the dilapidated buildings and vegetation on the application site has been submitted to and approved in writing by the local planning authority. The content of the precautionary method statement shall include the:

- a) Detailed working methods necessary to avoid the killing or injury of breeding birds, reptiles and bats;
- b) Extent and location of proposed works, shown on appropriate scale maps and plans;
- c) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction and taking into consideration the active and the sensitive periods for these animal groups;
- d) Persons responsible for implementing the works, including times during site clearance/ construction when specialist ecologists need to be present on site to undertake / oversee works;
- e) Provision for bat 'rescue' if animals are encountered;
- f) Provision for reptile 'rescue' if animals are encountered;

The works shall be carried out in accordance with the approved details. Reason: To avoid adverse impacts to legally protected species during site clearance and construction and in accordance with the requirements of the NPPF to minimise impacts on biodiversity. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy (2006-2026). A pre-condition is necessary because there is a potential that bats may have begun roosting in the building since the survey was carried out, and requires approval of details before any site clearance takes place and so it is necessary to approve these details before any development takes place.

12. Lighting Design

The dwellings hereby permitted shall not be occupied until details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be based on those outlined in the recommendations of the submitted Bat Survey Report (July 2022, Arbtch Consulting Ltd) and the guidance contained in Bats and Artificial Lighting at Night GUIDANCE NOTE 08/23 (Bat Conservation Trust and the Institute of Lighting Professionals). All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: 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.

13. Land Contamination

No development shall take place other than that required to be carried out as part of an approved scheme of remediation until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be stopped on that part of the site affected by the unexpected contamination to

the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme

a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. Noise mitigation

The dwellings hereby permitted shall not be occupied until a detailed scheme for protecting the proposed dwellings and gardens of the approved development from plant and delivery noise from the adjacent Londis store and road traffic noise from the A34 shall be submitted to and approved by the Local Planning Authority. The development shall not be occupied until the noise mitigation measures identified in the approved scheme, have been fully implemented. The noise mitigation measures shall be retained and maintained thereafter.

Reason: To protect future occupants of the development from commercial noise from the adjacent Londis store and road traffic noise from the A34 to ensure a good standard of amenity. The approval of this information is required before occupation because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.

15. Arboricultural Method Statement

The Arboricultural Method Statement and tree protection measures and supervision thereof, within Arbtech Arb Method Statement and Tree Protection Plan report TPP 01 both dated Nov 2023, shall be implemented in full and tree protection measures and works carried out in accordance with the statement. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies ADPP1, ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

16. Landscaping

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:

- schedules of plants noting species, plant sizes and proposed numbers/densities
- an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.

The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

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.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

17. Windows

The window at first floor level in the rear elevation of plot 2 shall be fitted with obscure glass, with top hung half opening light, in accordance with Drawing No 21-24-253 before the dwelling hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking of adjacent properties, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

18. Boundary Treatment

No dwelling shall be occupied until details of the boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to the first occupation of the dwelling and maintained thereafter.

Reason: To ensure adequate levels of privacy for future occupiers and neighbouring properties. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

19. Permitted Development Removal

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, AA, 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.

Reason: To prevent the overdevelopment of the site and 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), Quality Design SPD (June 2006) and the Village Design Statement for Chieveley.

20. **Limiting occupation**

No dwelling shall be occupied until after 1st January 2025.

Reason: To reduce the amount of phosphorous being discharged into the River Lambourn Special Area of Conservation. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy (2006-2026) and Regulation 63 of the Conservation of Habitats and Species Regulations, 2017 (as amended).

Heads of Terms for Section 106 Agreement

1. **Nutrient Neutrality**

Provision of off-site mitigation consisting of the planting on 0.57 ha of woodland in advance of occupation of the dwellings.

Refusal Reasons (in the event the S106 is not completed)

1. **Planning obligation**

The application has fails to provide an appropriate planning obligation with respect to providing a satisfactory scheme of phosphorous mitigation and so the proposal would result in a likely significant effect on the River Lambourn SAC which without appropriate mitigation measures could result in an adverse effect on the integrity of this Habitats Site. Therefore, without the submission of a satisfactory scheme of mitigation (i.e. one that can demonstrate the nutrient neutrality of the proposed development) the Council cannot consider approving this application as to do so would be contrary to Regulation 63 of the Habitats Regulations. Therefore, the development fails to accord with the Conservation of Habitats and Species Regulations 2017 (as amended), the Written Ministerial Statement of 20 July 2022, Policy CS17 of the West Berkshire Core Strategy 2006-2026, and the National Planning Policy Framework.

Informatives

1. **S106 Legal Agreement**

This decision notice should be read in conjunction with the associated s106 legal agreement. You are advised to familiarise yourself with the planning obligations contained within the agreement before initiating any development. You may wish to seek legal advice.

2. **CIL Liability**

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

3. **Proactive actions of the LPA**

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Accepted amended plans to address issues arising during the consideration of the application.
- d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

4. **Pre-conditions**

This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

5. **Damage to footways, cycleways and verges**

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

6. **Damage to the carriageway**

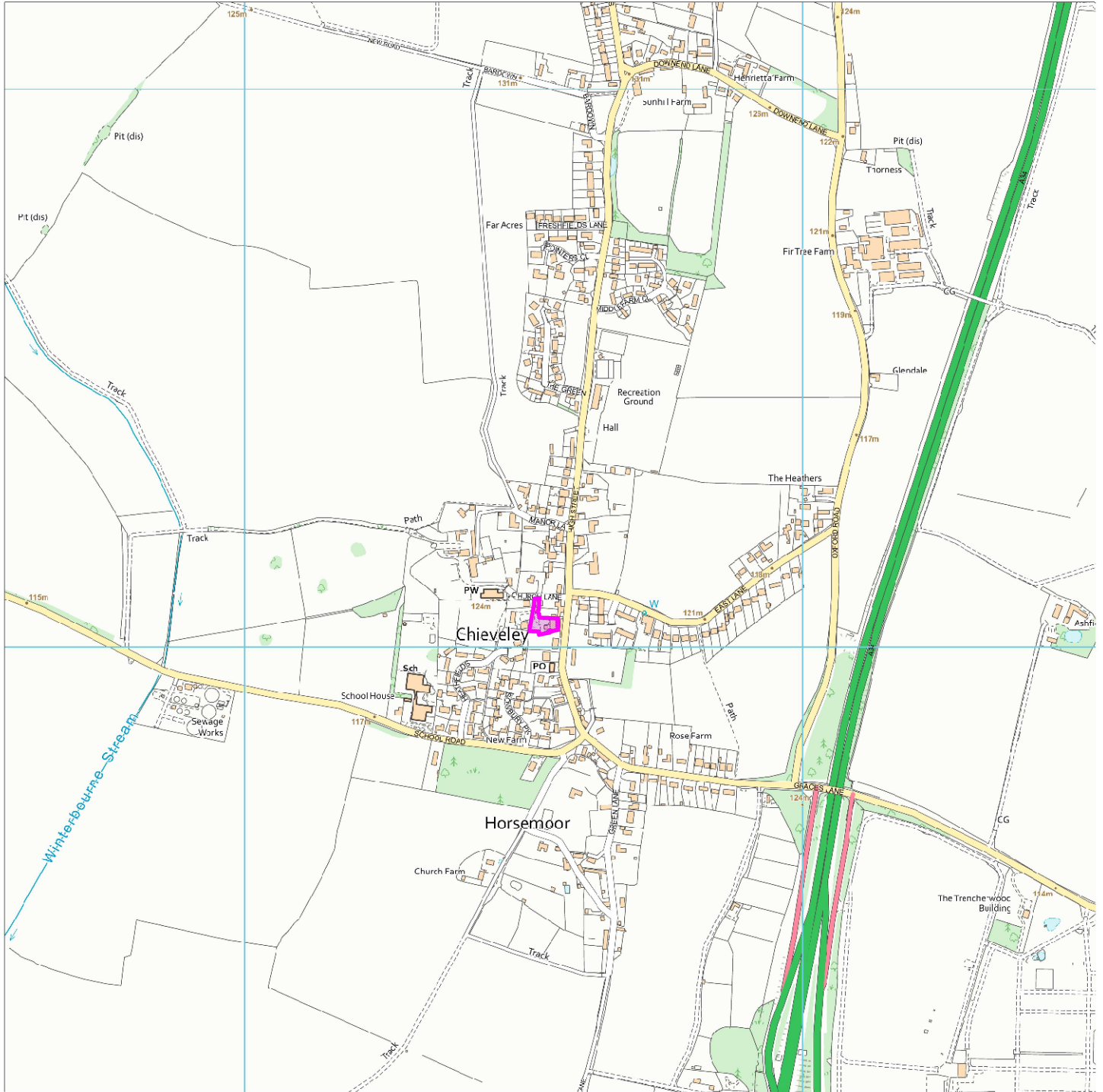
The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

6. **Incidental works affecting the highway**

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

7. **Official Postal Address**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.



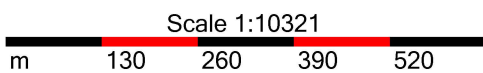
Map Centre Coordinates :

Scale : 1:10321

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	14 May 2024
SLA Number	0100024151



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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	23/02714/HOUSE Speen	22 nd January 2024	Proposed two-storey side extension and single storey rear extension with associated alterations. 10 Speen Lane, Newbury Mr J Murray

¹ Extension of time agreed with applicant until 29th May 2024

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02714/HOUSE>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions set out in 8.1

Ward Member(s): Councillor Antony Amirtharaj
Councillor Martha Vickers

Reason for Committee Determination: Over 10 letters of objection

Committee Site Visit: 20th May 2024

Contact Officer Details

Name: Lewis Richards
Job Title: Planning Officer
Tel No: 01635 519111
Email: Lewis.Richards1@westberks.gov.uk

1. Introduction

1.1 This householder application seeks planning permission for a two-storey side extension over the existing garage, single-storey rear extension, and other associated alterations.

1.2 The properties of the initial proposal were:

- Single-storey rear extension: 3 x 15 x 3.8m (H x W x D)
- Single-storey side/rear extension to incorporate garage: 3 x 5 x 7.7m (H x W x D)
- Two-storey side/rear extension: 7.2 x 5.2 x 10.5m (H x W x D)

Overall, the initial proposal would give rise to an increase of c.136m² (89.5%) of GIA.

1.3 During the course of the assessment of the application, the overall scale, bulk and massing of the proposal was reduced. The properties of the revised proposal are:

- Single-storey rear extension: 3 x 15 x 4m (H x W x D)
- Two-storey side extension: 7 x 4.9 x 6.6m (H x W x D)

Overall, the revised proposal would give rise to an increase of c.83.2m² (54.7%) of GIA.

1.4 There are also minor changes proposed to the fenestration, and front porch.

2. Planning History

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

Application	Proposal	Decision / Date
23/02036/FUL	Proposed extensions and alterations to dwelling, new access and change of use from C3 Dwellinghouse to Sui Generis HMO shared house.	Withdrawn / 09/11/2023

3. Legal and Procedural Matters

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

3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 20th December 2023, with a deadline for representations of 13th January 2024. Following the submission of amended plans, an amended plans site notice was also displayed on 9th April, with a deadline for representations of 30th April.

3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a

local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.

- 3.4 **Community Infrastructure Levy (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).

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

- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.

- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

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.

<p>Speen Parish Council:</p>	<p>No objection following submission of amendments - summary of comments below:</p> <p>12/12/2023:</p> <p>Previous application 23/02036/FUL for an HMO on this site raised concerns and received objections from residents and Speen Parish Council regarding the level of occupancy at the property. The new application shows plans for additional bedrooms in a separate part of the house completely unconnected to the existing upstairs space in the property. Speen Parish Council raise concerns over these plans as this could indicate future plans to convert this area of the property into a separate dwelling raising further issues on the occupancy of the property however, SPC recognises we can only assess the application on its current plans as a five-bedroom dwelling. SPC also raises concerns regarding the vegetation which has been removed from the property which needs to be protected and would insist that the existing hedge needs to be reinstated to the boundary and everything that was removed from the garden is reinstated to the way it was before the commencement of works.</p> <p>23/04/2024: No objection</p> <p>Speen Parish Council feel that these plans are a substantial improvement upon the previous plans submitted and the feedback we have received from other residents in Speen Lane is more positive than previously. We note the objection from the residents of No.14 in relation to the wall/fencing and that this is an issue for the Case Officer to address. Speen Parish Council has no objections to this application.</p>
<p>WBC Highways:</p>	<p>No objection subject to condition and informatives</p>
<p>Ecology</p>	<p>No objection following submission of Phase 1 Bat Survey and Landscaping Scheme, and subject to ecological enhancements condition – summary of comments below:</p> <p>14/02/2024:</p> <p>No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial imagery and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development. Habitats and features (including hedgerow, trees,</p>

amenity grassland and shrubs) are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision.

I am requesting the following information:

- Plans for retention/replanting of mature hedgerow on site as a habitat of principal importance understanding that these features were removed in July of 2023.
- Plans for retention/replanting of young trees on site as a habitat for local biodiversity.
- Plans for retention/replanting of shrubs and ornamental planting as a habitat for local biodiversity.
- Retention/replanting of any other ecological assets on the site.
- Details of ecological enhancements not including the baseline ecology after site clearing should the proposal be approved.
- As the proposed development will affect the extant roof space, I request a bat roost assessment to be carried out to ensure no harm befalls protected species.

Reason: To minimise impacts on and provide net gains for biodiversity in accordance with the requirements of the NPPF and policy CS17. The relevant policy is detailed:

Policy CS17 Biodiversity and Geodiversity Biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced.

Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance. Development which may harm, either directly or indirectly,

- locally designated sites (Local Wildlife Sites and Local Geological Sites),
- or habitats or species of principal importance for the purpose of conserving biodiversity,
- or the integrity or continuity of landscape features of major importance for wild flora and fauna

will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.

	<p>In order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan. Opportunities will be taken to create links between natural habitats and, in particular, strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Areas identified on the Proposals Map in accordance with the Berkshire Biodiversity Action Plan</p> <p>04/04/2024: No objection subject to conditions</p> <p>We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached.</p>
Trees	No objection, request informative

Public representations

4.2 Representations have been received from 19 contributors, who object to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised (pre-amendments):

- Object on grounds of overdevelopment.
- Proposed garage would make building too large for the plot and would change the appearance of the cul-de-sac and that part of Speen Lane.
- Possibility of adding a second storey is a concern.
- The sectioning off of the upper floor is indicative of the possible intention to separate to an individual dwelling.
- No recycling provision, EVCP's, cycle storage, nor for renewable energy source.
- Vegetation has been removed, impacts on biodiversity and neighbouring privacy.
- Plot size is relatively small compared to surrounding plots and building is already sizable.
- Proposal including garage is twice the width of existing house, and 3 metres (40% larger) from front to back. This is overdevelopment and not subservient.
- Scale and position of the proposal would dominate Speen Lane and the close.
- Number 10 is of paramount importance due to its location and matches the spacing of number 18 on the opposite side.
- Proposal includes a separate staircase to enable the new area to be separated into an additional dwelling in the future.
- There is legislation that allows properties to be split into multiple dwellings without the need for planning permission.
- Space above the garage could add a second storey under permitted development in future.
- Completely out of keeping with the area of Speen Lane, will reduce space and visibility.

- There will be very little garden left after the development is completed, devaluing neighbouring properties.
- New plans have changed little in size of development compared to initial proposal for HMO.
- Proposal will bring even more traffic.
- Twice the width of the original and would be overly dominant.
- Question the 2 proposed staircases and whether this means it will be split into separate dwellings.
- The 2-storey side extension would contravene the right to light.
- Rear gardens are North facing, and having the light blocked would have a huge impact on quality of life.
- Extension is significantly larger than others permitted on nearby properties.
- 2 storey extension is not subservient, and both extensions dominate the original dwelling.
- Contravenes Speen Lane design statement which states one of the important features of Speen is the retention of hedges and trees. This is particularly so in the older part of the village and all the way down Speen Lane.
- As immediate neighbour proposal will result in a large wall as their outlook and detrimental impact on right to light.
- Contravenes planning guidance on views and spaces.
- The massing will result in a development which will be out of proportion and character with the rest of the properties at this end of Speen Lane.

Officer response: There are a number of non-material planning considerations that are raised in the objections (e.g. loss of property value, potential future development...), which have been attributed no weight in the assessment of the planning merits of the application. However, due regard has been given to relevant material planning considerations that have been raised, as outlined in the remainder of the report.

4.4 Following the submission of amendments, an additional 2no. representations were received, in summary, the following issues/points have been raised (post-amendments):

- Proposal is much more in keeping with the area.
- Seek clarification regarding the walls that have been partially demolished, and the fencing that is damaged.

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 (Spatial Strategy), ADPP2 (Newbury), CS13 (Transport), CS14 (Design Principles), CS17 (Biodiversity and Geodiversity), CS18 (Green Infrastructure) and CS19 (Historic Environment and Landscape Character) of the West Berkshire Core Strategy (2006-2026).
- Policy P1 (Residential Parking for New Development) of the Housing Site Allocations Development Plan Document (2006-2026)

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- WBC Quality Design SPD (2006), including the Area Design Focus (ADF) – Speen Lane, Newbury
- WBC House Extensions SPG (2004)
- Speen VDS (2002)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highway matters
- Ecology
- Trees

Principle of development

6.2 The application site is located within the settlement boundary of Newbury. Policy ADPP1 of the West Berkshire Core Strategy (2006-2026) identifies Newbury as an urban area with a wide range of services, to be the focus of the majority of development within the district. Policy ADPP2 provides the spatial strategy for Newbury which seeks development that ensures it retains its traditional market town heritage whilst undergoing infrastructure improvements, aiming to create a vibrant 21st century centre.

6.3 It is therefore considered that the principle of this development would be acceptable, and compliant with Policies ADPP1 and ADPP2 of the West Berkshire Core Strategy, subject to the proposal meeting the other detailed requirements set out below.

Character and appearance

6.4 Forming part of the West Berkshire Core Strategy, Policies CS14 and CS19 relate to design and impacts on the character and appearance of the area. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Furthermore, it is expected that the design and layout of any development are relative to the wider context, having regard to not just to the immediate area, but also the wider locality. Development should contribute positively to local distinctiveness and sense of place. Policy CS19 seeks development that ensures the diversity and local distinctiveness of the landscape character of West Berkshire is conserved and enhanced.

6.5 The Area Design Focus – Speen Lane, Newbury (ADF), which forms part of the Quality Design SPD (2006) seeks localised development that respects the defined set back and building line, along with maintaining similar spacing between each property.

6.6 The WBC House Extensions SPG (2004) advises that the spaces between buildings often make an important contribution to the character of an area.

6.7 When considering applications for extensions, the following key principles are identified in the WBC House Extensions SPG:

- The character of the area; and
- The design; and

- The effect on neighbours; and
 - Car parking provision and road safety; and
 - Private outdoor space
- 6.8 The Speen Village Design Statement (2002) advises, inter alia, that extensions and alterations should be of a design compatible with original and adjacent buildings, and that infill developments and extensions to existing buildings should take into account gaps that provide views to surrounding countryside or open spaces within the village.
- 6.9 As originally submitted, the proposal was not considered to meet these criteria.
- 6.10 This particular stretch of Speen Lane is characterised by large, mostly detached dwellings of varying architectural stylings with largely uniform gaps between each. In this instance in particular there is a gap of 6.5m between the existing Western elevation of the dwelling and the footpath immediately outside of the residential curtilage. This is mirrored by an identical gap for No. 18 Speen Lane on the opposite side of the Close.
- 6.11 Any intrusion on this gap would create an unbalanced approach to the Close from Speen Lane and would therefore appear out of sync with the immediate locality. Situated on a corner plot, 10 Speen Lane occupies a prominent position on the Lane, as well as on the adjoining Close. As a result, the negative impact on the character of the area generated by any inappropriate development would be exacerbated.
- 6.12 The initial proposal, which included a side extension to the West to create a garage, reduced the aforementioned gap from 6.5m to 1.5m, and was therefore considered to be an overly harmful, disbalancing element. This, coupled with the overall scale and massing of the proposed 2-storey rear extension element, was considered sufficient to warrant refusal.
- 6.13 As part of a positive and proactive negotiation in line with Paragraph 131 of the NPPF, the Council provided the applicant with an opportunity to amend the proposal to maintain the existing gap, and reduce the overall bulk and massing. A revised proposal was submitted, which was considered acceptable.
- 6.14 The West-side extension was removed to maintain the gap of 6.5m, and the 2-storey rear extension was also removed to reduce the overall bulk and massing.
- 6.15 As a result of the amendments, the single-storey rear extension element would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, and can be regarded as 'permitted development.'
- 6.16 The overall scale of the revised extensions are comparable to a number of others throughout Speen Lane, including 11/02119/HOUSE at No. 16 and 20/01586/HOUSE at No. 18. Notwithstanding this, whilst previous similarly proportioned extensions provide useful local context regarding developmental precedents, each application must be assessed on its own merits. Given the extent of the changes proposed to overcome initial non-compliance with Local Plan Policy, it is considered that the cumulative effects of the development would not harm the quality of the neighbourhood, as outlined in the Speen Lane ADF, and could therefore be considered acceptable.
- 6.17 Representations were received from public contributors regarding the current state of the wall and fencing. It is considered that the wall presents a positive visual aspect to the immediate locality. It is also considered that should any walls/fencing be left in its current state it could also pose a safety risk and trip hazard to pedestrians due to its

unstable nature – this is considered to be sufficient justification for a boundary treatment details pre-commencement condition, which will ensure visual amenity as well as pedestrian safety is upheld.

6.18 It is therefore considered that, subject to this condition, the revised proposal complies with the NPPF, Policies CS14 and CS19 of the West Berkshire Core Strategy, the Quality Design SPD, the House Extensions SPG and the Speen VDS with regards to the design, character and appearance of the proposal.

Neighbouring Amenity

6.19 The NPPF states that planning should create places with a high standard of amenity for all existing and future users. Policy CS14 states that development should make a positive contribution to quality of life. As such amenity is an important consideration.

6.20 The assessment considered the impact on neighbouring amenity in terms of;

- Sunlight / daylight
- Overlooking / privacy
- Overbearing impact
- Noise and disturbance

6.21 The proposal has been assessed against the above metrics. Due to the nature of the application, initially there were considered to be limited harmful impacts relating to sunlight, overlooking and noise and disturbance. Comments from public contributors regarding the loss of light were noted and considered. The only property that has the potential to be adversely affected by the proposed 2-storey element with regards to sunlight is No. 8 Speen Lane, however there are no windows located on the Western elevation of this property, therefore this is not considered to be the case.

6.22 Further representations were received from public contributors regarding the presence of a large wall as their outlook. Officers considered this to be valid, and approving the 2-storey rear element as submitted would present an overbearing impact to the neighbouring dwelling, 8 Speen Lane, causing a sense of enclosure for the occupiers. Consequently, it was considered that this element should be removed, to ensure that any extension protruding from the rear elevation of the property was single storey only.

6.23 As part of a positive and proactive negotiation in line with Paragraph 131 of the NPPF, the Council provided the applicant with an opportunity to amend the proposal accordingly. A revised scheme was submitted, which restricted the rear extension to single storey only, 3m in height.

6.24 The extent of these changes ensures the 2-storey built form remains roughly in line with that of the neighbouring properties, and is considered acceptable.

6.25 It is therefore considered that the revised proposal accords with Policy CS14 of the West Berkshire Core Strategy with regards to neighbouring amenity.

Highway Matters

6.26 Policy P1 of the Housing Site Allocations DPD outlines the parking requirements for residential development.

6.27 Policy CS13 of the West Berkshire Core Strategy relates to the need for development to promote safe travel and ensure adequate parking provision.

- 6.28 The Highways Authority were consulted, commenting that as part of the previously withdrawn application, 23/02036/FUL, to extend the dwelling and convert to an HMO, concerns were raised by Highways on the potential level of occupancy.
- 6.29 As part of the originally submitted application, 5no. bedrooms were proposed, with 3no. accessed from one staircase, and 2no. accessed from a separate one. Whilst the occupancy of the dwelling was queried, each application is assessed on its own merits, and no objection was raised, initially subject to a Construction Method Statement (CMS) pre-commencement condition and informatives. The CMS condition is necessary to safeguard the amenity of neighbouring occupiers and in the interests of highway safety.
- 6.30 Whilst no objection was raised by the Highways Authority to an extended 5-bedroom dwelling, given the other issues identified above, an amended plan was submitted reducing the proposed number of bedrooms to 4.
- 6.31 10 Speen Lane lies within Parking Zone 2, as defined in Policy P1. The application seeks to extend the dwelling to provide 4no. bedrooms. As outlined in Policy P1, in order for a 4-bedroom dwelling within Zone 2 to comply there must be a minimum of 2.5 parking spaces provided. The site is capable of hosting this number of spaces.
- 6.32 Given the reduction of proposed bedrooms, the Highways Authority maintained the position of no objection. Therefore, the parking for the extended dwelling is considered to comply with Policy P1.
- 6.33 A CMS and site set-up plan was submitted for review by the Highways Authority on 10th May. This was considered acceptable and removed the necessity for a pre-commencement condition, with a CMS approved details condition in its place.
- 6.34 Subject to this condition, the proposal is considered to accord with Policy CS13 of the West Berkshire Core Strategy, and Policy P1 of the Housing Site Allocations DPD.

Ecology

- 6.35 Policy CS17 of the West Berkshire Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced, and the Speen Village Design Statement also advises that future development (including design) should seek to ensure that the biodiversity of the village is conserved and enhanced.
- 6.36 No ecological information was submitted to supplement the original application. Given the nature of the proposed works, involving works to the roof, as well as the verdant nature of the locality, the Ecologist was consulted. Habitats and features (including hedgerow, trees, amenity grassland and shrubs) are present on and around the site, indicating ecological value and the potential for protected species to be present.
- 6.37 In order to adequately assess the potential impact on protected species, and mitigate against any if necessary, a Phase 1 bat survey was requested, in accordance with paragraph 99 of ODPM 06/2005 which states 'it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.' A landscaping scheme was also requested, that consists of:
- Intended purpose and composition of vegetation/habitat types;
 - Removal of any non-native invasive species;
 - Method of vegetation establishment;

- Anticipated management actions and timings;
- Retention and further management;
- Scaled plans detailing locations of species planting.

6.38 As part of a positive and proactive negotiation in line with Paragraph 131 of the NPPF, the Council provided the applicant with an opportunity to provide a Phase 1 Bat Survey and Landscaping Scheme.

6.39 A Bat Survey and Landscaping Scheme was provided for review by the Ecologist. This was considered acceptable, and therefore no objection was raised, subject to an ecological enhancements condition.

6.40 Subject to this condition, the proposal is considered to accord with Policy CS17 of the West Berkshire Core Strategy.

Trees

6.41 Given the extent of green infrastructure that forms part of the site's boundary, the Tree Officer was consulted, commenting that there are no TPO's present, and that the site does not lie within the nearby Conservation Area. Whilst there is hedging present, the proposed footprints of the extensions mean the Root Protection Areas (RPA's) should be unaffected. No objection is raised subject to a tree protection informative.

6.42 The proposal is therefore considered to accord with Policy CS18 of the West Berkshire Core Strategy.

Permitted Development

6.43 According to paragraph 54 of the NPPF, planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so.

6.44 Paragraph 56 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

6.45 Whilst public representations have referred to the dwelling being converted to a House in Multiple Occupation (HMO) in future, each case must be assessed on its own merits. Notwithstanding this, any conversion from Use Class C3 (Dwellinghouses) to C4 (HMO's) as referred to in the Town and Country Planning (Use Classes) Order 1987 is potentially covered under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 providing there are less than 6 occupants, and subject to any Article 4 directions in effect in that area.

6.46 Any HMO larger than this would be classed as 'Sui Generis' whereby a planning application would be required for that purpose, and assessed accordingly.

6.47 As a result, it is considered that there is insufficient justification for the removal of these permitted development rights, and any such condition would not meet the six tests outlined in Paragraph 56 of the NPPF.

7. Planning Balance and Conclusion

- 7.1 For the reasons given above it is considered that the revised proposal accords with the provisions of the National Planning Policy Framework, Policies ADPP1, ADPP2, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD. The application is recommended for Conditional Approval.

8. Full Recommendation

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

Conditions

1.	<p>Commencement of Development The development hereby permitted shall begin no later than three years from the date of this decision.</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>Approved Plans The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Location Plan received on 27/11/2023 Amended Block Plan received on 13/03/2024 3277-04A – Amended Proposed Plans received on 04/04/2024 Landscaping Plan received on 04/04/2024 Construction Plan received on 10/05/2024 Construction Method Statement received on 10/05/2024 Preliminary Bat Roost Assessment received on 13/03/2024</p> <p>Reason: For the avoidance of doubt and in interest of proper planning.</p>
3.	<p>Approved Materials The materials to be used in the development hereby permitted shall be as specified on the plans and application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <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 (2023), 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>Construction Method Statement – approved details The development shall be carried out in accordance with the approved Construction Method Statement and Construction set-up plan (drawing number 3277-04B) received in this office on 10th May 2024.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core</p>

	Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
5.	<p>Boundary Treatments</p> <p>No development shall take place until details, to include a plan, of the boundary treatments (e.g. walls, fences) to be erected around the site have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details, and retained thereafter.</p> <p>Reason: The boundary treatment is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework (2023), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p>
6.	<p>Ecological Enhancements</p> <p>The extensions hereby approved shall not be brought into use until details of how the development will enhance biodiversity are submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat or bird nesting boxes. The approved details will be implemented and thereafter retained.</p> <p>Reason: To enhance biodiversity and to comply with Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>

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	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.
3	The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
4	<ul style="list-style-type: none"> • To ensure that the trees which are to be retained are protected from damage, ensure that all works occur in a direction away from the trees. • In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained. • Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil. • To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil. • If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non-permeable membrane to prevent lime or Portland based products / chemicals entering the soil • If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent

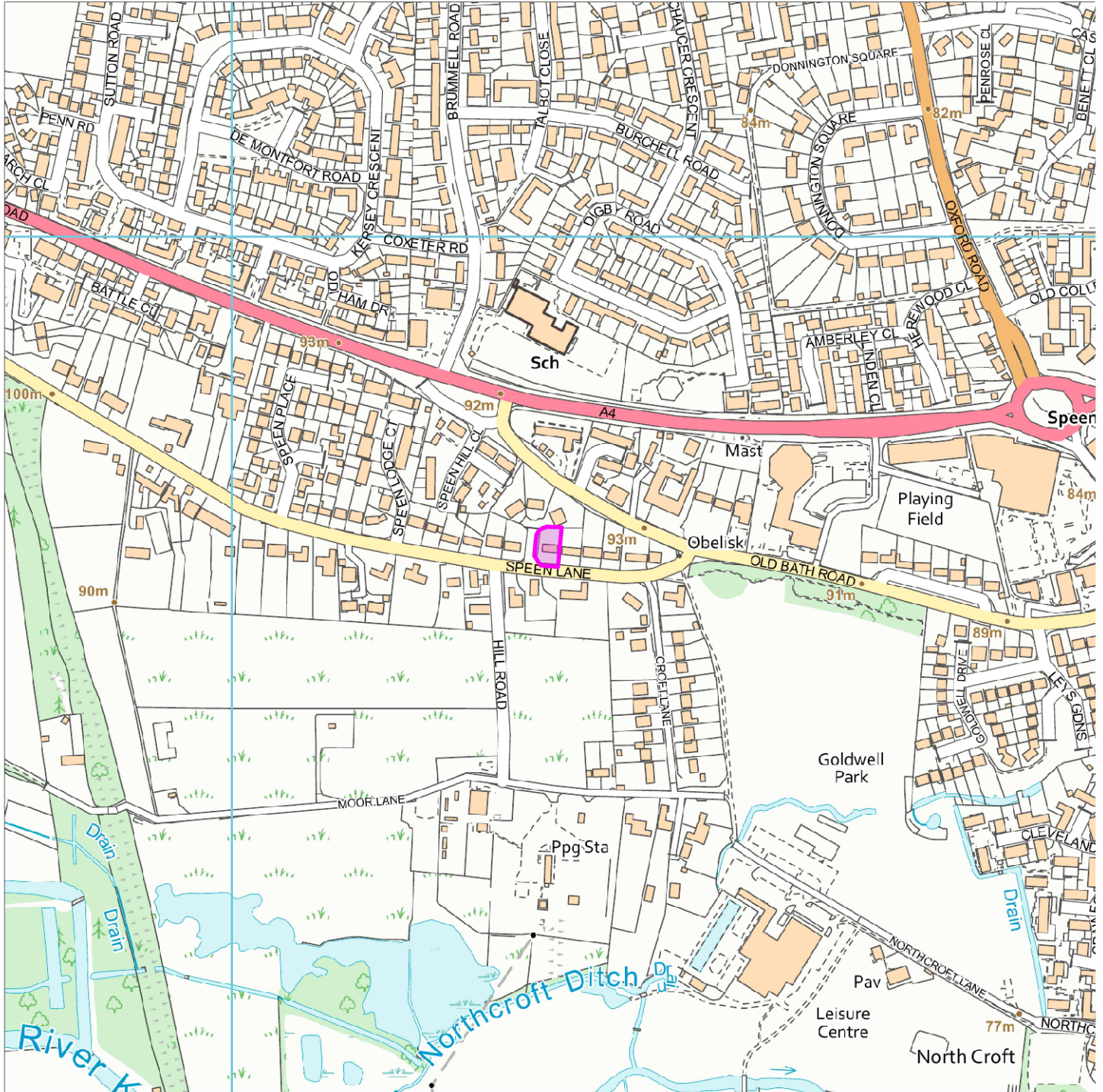
desiccation or frost damage. If required, the minimum amount of root could be cut back using a sharp knife.

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

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10 Speen Lane, Newbury RG14 1RW



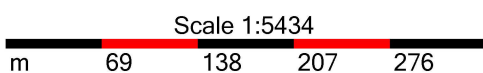
Map Centre Coordinates :

Scale : 1:5433

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Organisation	West Berkshire Council
Department	
Comments	Not Set
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