

Notice of Meeting



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District Planning Committee

Wednesday 11 September 2024 at 6.30pm

in the Council Chamber, Council Offices, Market Street, Newbury

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If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on Tuesday 10 September 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, 3 September 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
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 - District Planning Committee to be held on Wednesday, 11 September 2024
(continued)

To: Councillors Denise Gaines (Chairman), Richard Somner (Vice-Chairman), Adrian Abbs, Phil Barnett, Martin Colston, Jeremy Cottam, Alan Macro, Geoff Mayes, Justin Pemberton, Tony Vickers and Howard Woollaston

Substitutes: Councillors Antony Amirtharaj, Jeff Brooks, Laura Coyle, Carlyne Culver, Paul Dick, Billy Drummond, Clive Hooker, Paul Kander and Ross Mackinnon

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 68
To approve as a correct record the Minutes of the meetings of this Committee held on 2 March 2022, 13 April 2022, 10 May 2022, 25 May 2023 and 9 May 2024.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **Application No. & Parish: 22/02538/FUL - Site of Former Cope Hall, Skinners Green, Enborne** 69 - 122

Proposal:	Proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.
Location:	Site of Former Cope Hall, Skinners Green, Enborne, Newbury
Applicant:	Mr S Woodward
Officers' Recommendation:	To DELEGATE to the Development Manager to REFUSE PLANNING PERMISSION for the reasons set out at Section 8 of the Western Area Planning Committee report.
Recommendation of Western Area Planning Committee	To GRANT PLANNING PERMISSION contrary to the officer recommendation.



Agenda - District Planning Committee to be held on Wednesday, 11 September 2024
(continued)

Sarah Clarke.

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

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



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DRAFT

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

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 2 MARCH 2022

Councillors Present: Alan Law (Chairman), Dennis Benneyworth (Vice-Chairman), Phil Barnett, Carolyne Culver, Royce Longton, Ross Mackinnon, Alan Macro, Richard Somner, Tony Vickers and Graham Bridgman (Substitute) (In place of Graham Pask)

Also Present: Paul Goddard (Highways Development Control Team Leader), Masie Masiwa (Senior Planning Officer), Simon Till (Western Area Planning Team Leader), Sharon Armour (Solicitor), Bryan Lyttle (Planning & Transport Policy Manager), Sarah Clarke (Service Director (Strategy and Governance)), Viv Evans (Interim Planning Service Lead) and Stephen Chard (Democratic Services Manager)

Apologies: Councillor Clive Hooker and Councillor Graham Pask

PART I

3. Minutes

The Minutes of the meeting held on 10 February 2021 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

- The Chairman advised that he had been present at the meeting but his presence had not been noted on the minutes.

The Minutes of the meeting held on 4 May 2021 were approved as a true and correct record and signed by the Chairman.

4. Declarations of Interest

Councillor Alan Law advised that this application had been referred to the District Planning Committee (DPC) having previously been considered at Western Area Planning Committee (WAPC), and pointed out that some of the Members of the WAPC were also Members of the DPC. Councillor Law confirmed that Councillors were not precluded from being a Member of the DPC simply because they had considered the application previously in another forum, either at the WAPC or at a town or parish council meeting, provided they came to this meeting to consider the application afresh and with an open mind.

All Councillors advised they had been lobbied in relation to the application.

Councillors Graham Bridgman, Ross Mackinnon, Richard Somner and Tony Vickers declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

5. **Schedule of Planning Applications**

(1) Application No. & Parish: 21/02173/COMIND, Newbury Rugby Football Club, Monks Lane, Newbury, West Berkshire

(Councillor Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Newbury Town Council. The Town Council's objection to this planning application had been made clear and as such Councillor Vickers clarified that while he had a pre-disposed view on the application he had not pre-determined. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillors Graham Bridgman, Ross Mackinnon and Richard Somner declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of the Executive. However, none of them held the Portfolio relating to this application and they would be considering the item on its own merits and determining it on planning grounds. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/02173/COMIND in respect of the proposed development for a single storey sports pavilion building and car park providing facilities and social space to support a proposed artificial turf pitch, F2(C). The proposed artificial turf pitch formed part of this application and included fencing, storage, spectator seating and artificial lighting. The building would provide approximately 400m² of internal floor space of use class F2(B). The community facility would be available for rugby and football training and matches, as well as other sporting activities.

The application had been called in by the Ward Member to the Western Area Planning Committee (WAPC) to review the parking allocation for the new use. The application was approved by the WAPC subject to conditions but referred to the District Planning Committee for consideration by Planning Management due to significant district wide public interest in the application.

Mr Masie Masiwa, Senior Planning Officer, introduced the report. A matter not referenced in the Committee papers was that a legal representation had been received requesting that the application be deferred. However, the Council had rejected this request on the grounds that the representation highlighted no new material considerations.

In relation to the parking allocation concerns, Mr Masiwa clarified that, subject to approval, parking provision would be provided as set out in paragraphs 2.4 and 2.5 of the District Planning Committee report. The immediate provision would be as follows:

- 52 parking spaces on the new on-site car park (also available on non match days).
- 30 parking spaces available at the Newbury Rugby Club car park (to meet demand associated with the current spectator levels for Saturday matches).
- 100 parking spaces available at the Newbury College car park (to meet demand associated with the current spectator levels for Saturday matches).

In the event there was a promotion to Step 4 of the National League System, an additional 100 parking spaces at Newbury Rugby Club and an additional 50 parking spaces at Newbury College would be made available, giving a total number of 332 parking spaces. As such, the facility had been assessed up to Step 4 level in terms of potential parking and traffic impacts.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

A condition had been recommended by the Highway Authority that no football or rugby matches would take place on the same day at the proposed site to ensure that any overflow parking at the Club was available for all home football matches. The applicant had submitted that this could be accommodated with the relevant league programming authority.

In 2020, the Council adopted the Playing Pitch Strategy which promoted the provision of sports pitches within the District and identified a shortfall. It was considered that the creation of an artificial grass pitch in this location would create an increased capacity for more football training and matches per week than the single natural grass pitch. Sport England, as a statutory consultee, consulted with the Football Association, the Football Foundation and the Rugby Football Union on the proposed development before arriving at their statutory position of no objection, subject to conditions listed within the report.

In accordance with the Council's Constitution, Councillor Vaughan Miller, Town Council representative, Mr Peter Lambert and Mr Paul Morgan, objectors, Mr Paul Dick, supporter, and Mr Paul Martindill, Councillor Howard Woollaston and Mr Martin Lindus, applicant/agent, addressed the Committee on this application.

Town Council Representation

Councillor Vaughan Miller, Newbury Town Council, in addressing the Committee raised the following points:

- Having witnessed the numerous planning and Overview and Scrutiny Management Commission meetings around the Faraday Road football stadium and the sports hub, Councillor Miller raised serious questions on two matters - predetermination and the credibility and reputation of the Council.
- The application was for a stand-alone site but the site's justification was for a replacement of the Faraday Road site. Councillor Miller felt there was no doubt that the design and cost of the application and the subsequent build was to deliver a replacement for the Faraday Road football stadium.
- The Executive report to approve the funds to build the hub stated several times that this investment was to meet priority 1 of the Playing Pitch Strategy (PPS), which was to replace the Faraday Road football stadium.
- In summary, the planning report stated that the Council's PPS included the specific objective of providing a future replacement football facility for the Faraday Road Football Stadium and for the avoidance of doubt there was no formal link between the current application and any separate development plans or planning application that might emerge in the future in relation to the Faraday Road Stadium, London Road Industrial Estate or its replacement. Councillor Miller's view was that there was an avoidance of proper planning scrutiny of the real intent for the application which denied the Council, as a planning authority, the opportunity to test the application as a replacement for Faraday Road.
- Point 1.9 of the report stated that Sport England had consulted both the Football Association (FA) and Rugby Football Union (RFU) on the proposal. However, Councillor Miller felt it was the case that the FA, Football Foundation and the RFU all still objected to the application and none of them, including Sport England, felt there was justification for having four changing rooms. They also raised an objection that the site was too small and the playing arrangements favoured rugby over football during the prime time of football need.
- The site did not have scalability to higher steps beyond Step 4 whereas Faraday Road could go up to at least Step 2. It could not therefore be a like for like

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

replacement for Faraday Road. The sports hub was only two thirds the size of the Faraday Road stadium. The proposal did not have a full sized club house which was key to financial and social sustainability.

- The location was worse in terms of public and active travel. It did not meet the Town Council's strategy of being within a short walking distance of the town centre meaning that businesses were unlikely to benefit from increased footfall.
- For the sake of honesty, integrity, good stewardship of Council Tax and transparency, the Town Council would like to see plans for the development of Faraday Road considered alongside this proposed replacement site.
- The site should be rejected on the following grounds:
 - As a stand-alone facility it was not required to meet the test as an equal or better facility of the Faraday Road stadium and therefore should not be considered in any way to meet priority 1 of the PPS.
 - As a stand-alone, it should only be considered against the requirement to help meet the shortage of seven AGPs (Artificial Grass Pitches) in the PPS.
 - As a stand-alone, it did not need to meet Step 4 or Step 5, so there was no need for the small club house or large stand.
 - As a stand-alone, it should therefore be rejected as a massive over-development.
- The full cost of tax payer's money was the equivalent of building six standard AGPs which almost met the shortage across the whole District. Add in the Community Football Group's applications to re-build the Faraday Road stadium, which would cost less than £1M because it was eligible for grants from Government bodies, and it would be possible to meet the shortage of all seven AGPs.
- Councillor Miller asked the Committee to reject the application and bring it back for approval as a replacement for Faraday Road or change the application and bring it forward purely as an AGP contributing to meet one of the seven AGPs required in the PPS.
- Councillor Miller considered that the risk of the application was the waste of between £11m - £15m of tax payer's money.

Member Questions to the Town Council

Members had no questions to ask of the Town Council.

Objector Representation

Mr Peter Lambert in addressing the Committee raised the following points:

- Mr Lambert had spoken to the WAPC on 15 December 2021 expressing widespread confusion as to the purpose of the development and whether it was a replacement for Faraday Road. This had been clarified in the documents for this meeting which stated "for the avoidance of doubt, this is a proposal for a new step 4 ground and Members are reminded there is no link between the current application and any separate plans that may emerge in the future in relation to the Faraday Road stadium". It further stated that the application was submitted as the Council sought to deliver playing pitches in accordance with the West Berkshire PPS.
- The PPS identified a deficit of 27 adult-sized natural grass pitches and 8 AGPs. This proposal increased the deficit of the grass pitches and mitigated by only 1 the shortage of AGPs.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

- There was an incremental benefit to this upgrade in that an AGP could support greater usage than a grass pitch but that was the only part of the proposal that supported the PPS and the upgrade to an APG would come with a huge and unjustifiable price tag.
- The clubhouse, the stand and the other requirements that made this a step 4 ground made this a first-class facility but these were not aligned with the PPS and the shortage of pitches.
- If the proposal was submitted as a replacement for Faraday Road then the inclusion of the clubhouse and stand would be aligned with the strategy but this was not the case.
- The application could not be submitted as a replacement for Faraday Road as it did not meet the requirements to be such.
- The funds proposed for this development would be better allocated by addressing the pitch shortage directly.
- The question to be addressed was how many pitches could be provided to the community if all the funds were wholly allocated to new grass and new all-weather pitches.
- Mr Lambert urged the Committee to act in accordance with the stewardship principle of public life to ensure the prudent use of public funds and to recommend refusal of the application.

Mr Paul Morgan in addressing the Committee raised the following points:

- Despite the fact it was stated there was no formal link between the current application and the Faraday Road stadium there was a link which was Executive decision 4149 which was passed on 16 December 2021.
- At the OSMC meeting, Councillor Law stated that he was in no doubt whatsoever that this application was a replacement for Faraday Road so there could be no doubt that Monks Lane was seen by certain Members of the Executive as the precursor required to freeing up the current football ground to allow for significant redevelopment at some time in the future.
- To suggest the application was not meant as a replacement for Faraday Road was disingenuous and was a deliberate misuse of the Council's planning process by the Council itself.
- Would the Council be suggesting spending between £11.5m to £15m of tax payer's money on a scheme for just one 3G pitch. By comparison, there was a 3G planning pitch at Denefield School in Tilehurst, the cost of which was £730K.
- The application was not about the delivery of the PPS as Councillor Miller had said, another 5 or 6 3G pitches could be created for the money being proposed.
- In relation to Sport England having spoken to the Football Foundation, the FA and the RFU, Members were asked to note that they had objected to the application.
- The chosen site was far too small and it was not believed that 1,300 spectators could be accommodated. By comparison the Monks Lane ground was 8000sqm, Faraday Road was 11,500sqm and Hungerford was 9,700sqm.
- The application had been incorrectly submitted and should be withdrawn and resubmitted ideally along with the Council's outline application for the Faraday Road football ground.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

- Sport England had suggested on many occasions that co-joint planning applications were made which would allow the Planners and the public to review, consider and compare Monks Lane, NCFG's planning application (which had been approved) and the Council's own proposal to build flats on the football ground. This would go a long way to correcting the mess the Council now found itself in and to restore confidence in the planning system.

In relation to one of Mr Morgan's points, Councillor Law clarified that he had previously said that the Council *intended* to have this particular application used as a replacement for Faraday Road, but that did not necessarily mean that was going to happen.

Member Questions to the Objectors

Councillor Phil Barnett asked for clarification on how many pitches could be built for the proposed spend of £11.5M to £15M. Mr Morgan said considering the 3G facility at Denefield School in Tilehurst was costing £730K, it would be possible to build seven 3G pitches and Faraday Road for the sum of money planning to be invested in one single pitch which was only being proposed on the premise of building flats on the existing Faraday Road facility. Mr Lambert added that investment of £15m would achieve approximately 20 AGPs.

In relation to Sport England's stated opposition to the application, they had made submissions in November which dealt with a number of their previous objections, Councillor Carolyn Culver asked the objectors what aspect of the application Sport England still objected to. Mr Morgan said Sport England were a statutory consultee who had consulted with football governing bodies and they had withdrawn their objection on the original planning application because it was submitted as a stand-alone application and not as a replacement for Faraday Road. However, the Football Foundation, the FA and the RFU still maintained their objection on the application due to the overall design of the scheme and the business plan which they felt was unsustainable because it relied upon a subsidy from the Council of about £250K a year amounting to around £9M over a 40-year period that Council Tax payers would be subsidising.

Councillor Mackinnon sought clarity on Mr Morgan's statements on costs. Assuming costs reached the highest figure quoted of £15m, Councillor Mackinnon stated that this sum would be met over a 40 year period and explained that the Council's revenue budget over 40 years would be in the region of £5.6BN (£15m was approximately 0.27% of that overall figure). Mr Morgan did not see the relevance of that information and reiterated that the scheme did not provide good value for money. Councillor Law said he did not think a budget discussion was relevant to a planning application and he would be asking officers for their views on that point in due course.

Supporters Representation

Mr Paul Dick in addressing the Committee raised the following points:

- Mr Dick was Head of Kennet School for almost 30 years and ran other schools including 5 primary schools in which he placed great emphasis on the power of sport.
- Mr Dick said he was also a senior county referee for adult and children's football games in the local and surrounding areas.
- Mr Dick felt there was a local failure to provide young people the opportunity to be aspirational for themselves and for their skills.
- Mr Dick referred to a facility built in Slough which was becoming a centre of excellence for football, other sports and for coaching which was to be admired.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

- Mr Dick praised the Council for bringing forward this aspirational project which would provide rugby and football training for the young people in the area.

Member Questions to the Supporter

Councillor Barnett asked for Mr Dick's views on the site of the proposed application. Mr Dick said he was not able to comment on the technical aspects of the site and his job was to represent the people who would benefit from the facilities which would help them raise their aspirations, improve sport and the quality of life in general in the area.

Councillor Culver asked Mr Dick if he thought the money would be better spent on multiple pitches rather than just one. Mr Dick said there was a benefit to having one high-end facility which raised aspiration but acknowledged that a lot of the local pitches required improvement. The proposed project would be a huge boost to the sporting community and the aspirations of the town and surrounding area.

Applicant/Agent Representation

Mr Martin Lindus from Saunders Boston Architects, representing the Council and Alliance Leisure, in addressing the Committee raised the following points:

- It was fortunate that the Council had the financial commitment to make sure there was an all-weather and all year round development for Newbury and the surrounding area.
- The scheme was for a full-sized, artificial turf, floodlit pitch with spectator provision, a new clubhouse, four changing rooms, social space, servery, medical rooms and toilet facilities.
- The PPS had identified there was a shortfall of eight pitches like this in the borough and the proposed scheme would start to address that shortfall.
- There was no objection from Sport England to the application.
- The club currently played in FA Step 6 and the proposed facility was for the higher level Step 4 which was FIFA accredited.
- There would be 1,300 spectator spaces which was calculated by a competent person as defined by the FA with at least 300 spaces under cover and at least 150 seated spaces.
- The four changing rooms would create a turnover and a better opportunity for use of the pitch and would deal with a lot of safeguarding issues.
- A key item at Step 4 was there would be a boardroom in the clubhouse.
- There would be six 15m poles with LED lighting with directional cowls which meant the light spillage was limited. 15m from that light source going out from the pitch the lighting level was 2 lux which was the equivalent of moonlight meaning the spillage was controlled and limited.
- The lighting around the parking and the building was low-level so there would be no impact on the ecology or local residents.
- A full consultant's assessment had taken place with regard to noise looking at both matches and parking. This revealed there would be acceptable noise levels for the surrounding buildings.
- Environmental Health had raised no objections.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

- There would be 82 available parking spaces, 52 of which would be on-site and 30 spaces in the adjacent Rugby Club. Two of the spaces would be accessible for Blue Badge holders and four spaces would be for electric vehicles with charging points.
- On match days a traffic management plan would be in place which lifted the total number to 332 with 130 at the Rugby Club and 150 at the nearby college. As major rugby and football matches would not be played on the same day there was now no objection from Highways.
- In terms of sustainability, there would be no fossil fuel usage in the building which was all electric with the use of heat pumps, low-flow showers and LED lighting.
- The surfaces around the pitch and parking were permeable and there was a SuDS drainage attenuation scheme.
- This was a well thought out scheme in a good location with other associated sport which would serve Newbury and the surrounding area very well.

Member Questions to the Applicant/Agent

Councillor Bridgman asked whether the proposed facility would be adequate in size to accommodate numbers should the club reach Step 4. Mr Lindus said a Step 4 facility would need a minimum of 1,300 spectator spaces at ground grading D and 1,000 spaces at ground grading E. The proposed facility was for 1,300 spaces which met the minimum for ground grading D. The requirement for covered spaces for Step 4 was 300 and the proposed facility would have 318 spaces. Seated capacity for Step 4 was 150 seats and the proposed facility would have 268. Other spectators would be separated around the perimeter of the pitch. The calculation for spectator capacity had been undertaken by pitch specialists SSL.

In answer to Councillor Bridgman's question about entrance into the ground, Mr Lindus said the intention was that people from Monks Lane would come in from the opposite side on the existing footpath and then have a dedicated footpath that went through the parking within the site off to one side so that there was a separation between vehicles and pedestrians. Councillor Bridgman referred to contour lines on the plans which showed the drop from the higher level down to the rugby pitch below and he asked for clarification on what the drop was in order to assess the height of the lighting columns. Mr Lindus was not able to provide a figure but said the Rugby Club currently had lighting at the lower and higher levels similar to what was being proposed in the application.

Councillor Bridgman sought clarification on whether the proposed new pitch would mean the loss of playing pitch facilities. Mr Martindill said there were five grass pitches at the Rugby Club and the proposal was for an AGP to be placed on pitch number five. This pitch would need to be replaced and steps were being taken to identify an alternative location for an additional grass pitch in West Berkshire within 20 minutes of the Rugby Club.

In answer to Councillor Macro's questions, Mr Lindus advised there would be one stand in the scheme located to the north of the pitch, between the pitch and Monks Lane, which could accommodate 268 spectators. There was also a smaller stand to the south of the pitch which could accommodate 50 spectators which was in an area that was divided between spectators around the pitch and close to an area of access. An Acoustic Survey had been carried out in September 2021 which had looked at background noise levels in the area in comparison to noises from other pitches at this level and then modelled to see how far that noise then extended both in a day-to-day format and in a maximum spectator match day format.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

Councillor Culver said the FA website stated that for Step 4 Grade D there had to be the potential to reach 1,950 attendees and asked whether the facility would be able to accommodate that number in the future. Councillor Culver asked whether the correct time for a competent person to assess capacity could be a planning condition so it could be stated in advance of the build that there was confidence of the number of people that could be accommodated. Mr Lindus said a competent person had already carried out that assessment and a plan was in place which identified where that number of people could be placed. The proposed scheme met the minimum of the ground grading D standard of 1,300 spectators.

Councillor Benneyworth asked the Agent to expand on the proposed floodlighting and their impact. Mr Lindus said the proposal was for six 15m stands which was a common arrangement for a pitch of that size. They would be fitted with compact hooded and cowl LED lights which were directional though there would still be a glow from the facility. A light spillage diagram had been submitted as part of the application and a Lighting Assessment had been carried out which showed that at 15m from the lampstand the lighting would be at 2 lux which was the equivalent of moonlight.

Councillor Barnett said the next door GP surgery and pharmacy had a very restricted car park which regularly overflowed leading to visitors using the car park at the Rugby Club and asked if the proposed car park of 52 spaces would be permanently open. Mr Lindus said he envisaged that the car park would be open permanently, it was designed for the use of all the users of the pavilion and he did not believe there would be any restrictions on its use. The area would be staffed during all opening hours and there was an expectation for the leisure operator to take a reasonable attitude in this regard. If there were issues of capacity, then the priority would be for players and visitors to the site.

Councillor Vickers asked the Agent to clarify whether or not the facility had the ability to meet Step 4 capacity requirements. Mr Lindus said within Step 4 there were two different grading standards; Grade E required up to 1,000 spectators and Grade D, which was the higher standard, required a minimum of 1,300 which could then be extended up to 1,950 attendees. The highest level for a Step 4 club was Bedford Town with a pre-Covid high figure of 714 and an average figure of 410 spectators.

Ward Member Representation

Councillor Abbs in addressing the Committee made the following points:

- At the Western Area Planning Committee, Members were told to consider the application for a Step 6 facility though the emphasis this evening had centred on a Step 4 facility.
- Members should take great care given the judicial nature of this Committee especially given letters received from members of the public indicated a likely Judicial Review.
- There was a joint statement from Sport England which clearly linked the application both to Faraday Road and the PPS.
- The proposed facility could not meet the requirement for a Step 4 facility as laid down by the FA for a category D ground.
- Highways attendance numbers were incorrect and were not 150 to 175 but from 70 to 661, a significant difference when determining if parking provision was suitable.
- Sport England did not support the Application but simply did not object. Their letter dated 21/10/21 raised 18 concerns, 12 of which remained. Both the RFU and FA still opposed the application.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

- A large facility such as Monks Lane was significantly worse for the environment than the facility available at Faraday Road which made the Council's climate emergency declaration even harder to meet.
- The impact on the residents of Monks Lane and the smaller surrounding roads was significant and not mitigated by the proposed parking.
- The Committee was being asked to make a decision without being fully briefed by all the Officers and was being asked to clear from its mind the linkage made over months and many meetings to its true purpose.
- This raised a serious concern with regard to Judicial Review and Members were being asked to vote through an application that might leave themselves open to personal liability and which could cause reputational damage to the Council.

Councillor Marsh in addressing the Committee made the following points:

- Many residents had left comments on the planning portal mirroring concerns earlier raised by Mr Lambert.
- The consultation exercise was conducted online long before the proposal reached Planning Application status and the details were known. Since then, the residents of the Ward had been largely ignored including those most likely to be affected such as residents of the care home.
- Repeated requests for the next door Priory Hospital to be considered or even mentioned in the application had also been ignored with no consideration given to the fact that the hospital contained a mental health facility within it.
- Local residents knew how busy the area already got on match days and the applicant had failed to reassure them with regard to their fears over noise, light, traffic and parking.
- The Transport Plan was wholly inadequate and prepared by consultants who did not know that Wash Common was at the top of a steep hill. It was not believed the public would cycle or walk to the top of it as in the main attendees drove to the rugby ground which was why there was already a problem with parking in the surrounding area.
- This was another development foisted on Wash Common that would be largely reliant on the car and was incompatible with CS7 which stated that a sustainable transport network would be put in place that prioritised walking, cycling and public transport.
- Whilst he supported the Council's PPS, Monks Lane was the wrong location because it concentrated too much on one small area, there were already 3G pitches at Park House, at St Bart's and talk of another one at Newbury College. There was a great site for a Step 2 football ground in the middle of the town and this proposal made no sense from an environmental, financial or sporting point of view.

The Chairman asked the Monitoring Officer to comment on Councillor Abbs' view on the likelihood of a Judicial Review. Sarah Clarke confirmed that the Council received a letter from a Barrister on 1 March 2022 requesting that the matter before Committee this evening be deferred in order to enable legal advice to be given to an objector. However, on the basis of the information within that correspondence, Ms Clarke confirmed that no material planning considerations had been raised that had not already been fully considered within the reports and the matters before the Committee. There had been awareness of this application for a considerable time and it was not appropriate for an application to be delayed unreasonably. On that basis, Ms Clarke stated the Council

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

were not prepared to delay the matter from coming before the District Planning Committee as planned. There was a risk of Judicial Review or appeal every time a planning application came before Committee but that was not of itself a reason not to proceed.

Members Questions to the Ward Members

Councillor Vickers said there was a 45% difference in capacity between Grades D and E and asked how significant that was thought to be given this was a stand-alone application. Councillor Abbs said he felt the difference was very significant because the WAPC had been told to consider this only as a Step 6 and not as a Step 4. Councillor Abbs said he had specifically looked at the conditions for having a Step 4, Category D facility. The plans showed the dimensions and demonstrated that the eastern edge of the pitch abutted the rugby pitches and the dimensions used assumed that nobody would be in the 3 metre run-off area behind the goal. However, realistically players did enter the run-off area and the crowd would normally be much further back than that. The conditions also stated that spectators should be able to stand or sit on all three sides of the pitch, with the fourth side being the technical area. The three sides, assuming two of them would be behind the goals, did not afford capacity for this.

Councillor Barnett asked why Councillor Abbs had referred to the average attendance figures mentioned by the Highways Officers as being incorrect. Councillor Abbs said he had researched attendance figures and found that in 2018-2019 the numbers were shown as 118 to 286, 2019-2020 were 118 to 661, 2020-2021 was 124 to 227 and 2021-2022 to-date was between 70 and 451. If Officers based their recommendations around numbers of 150 to 175, and leaving aside the issue of the type of transport used to get to the site, Members were faced with incorrect assumptions and the report should have contained actual attendance figures.

Councillor Mackinnon asked for clarification on the statement that Sport England did not support the application but neither had they objected to it. Councillor Abbs said that just because Sport England had removed their objection it did not mean they were in support of it. At the end of their letter, Sport England had stated *"the absence of an objection to this application in the context of the Town and Country Planning Act cannot be taken as formal support or consent from Sport England"*. Councillor Abbs believed that Members had been left with the impression that because Sport England removed their objection that meant they were actually in support of the application when this was not the case and they had become neutral at best. Councillor Mackinnon asked Councillor Abbs whether Sport England would ever say in response to an application such as this that they supported it or was the lack of an objection as good as it got? Councillor Abbs said it would appear that Sport England would say if they were in support of an application.

Councillor Mackinnon asked Councillor Abbs if he was aware of Newbury Football Club's opinion of the proposed scheme. Councillor Abbs said there was some support from the Club and overall there was a 50-50 split in terms of those who were for and against. Councillor Abbs said he had surveyed most of the residents of Monks Lane and the surrounding roads to gather their concerns and the number one issue was always the potential impact on traffic.

Councillor Law reminded Members that whilst reference had been made to discussions at the WAPC about Step 4 and Step 6, the matter being considered at District Committee was a new application. Whilst the minutes of the WAPC were included as a material consideration, Members were referred to point 1.6 in the DPC papers which stated "for the avoidance of doubt, this is a proposal for a new Step 4 ground".

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

Members Questions to Officers

Councillor Law asked Officers to address the following areas:

1. Was it correct that Sport England objected to this application as stated by Councillor Miller?

Mr Simon Till, Development Control Team Leader, stated that Sport England did not object to the application. The objections contained within Sport England's comments were raised by the RFU and the FA. The Sport England consultant had made a planning assessment of those objections and had not found material planning considerations to carry forward to an objection on behalf of Sport England.

2. The comments made about the link to Faraday Road.

Mr Till said in planning terms the application was not to be linked to Faraday Road. Should proposals come forward for a change of use of the Faraday Road site, at that point the requirements of the PPS would be material considerations for that change of use. This application was not for a change of use of the Faraday Road stadium and, as objectors had mentioned, there was a live planning permission for the redevelopment of the Faraday Road stadium for continued use for sports purposes.

3. How relevant were the associated costs and budget to the planning requirements?

Mr Till said the matters that had been raised in terms of funding being used by the Council to provide alternative sports pitches were not material planning considerations. The viability of the proposed facility was a material planning consideration but only in as much as the business plan associated with the ongoing viability of the facility was a consideration of Sport England in terms of their representations on the application.

4. Should the Application be for a Step 4 facility?

Mr Till stated that it was understandable there had been some confusion over this, however, the relevance of Step 4 in terms of the application was in terms of mitigation of the impact should the proposed facility be used at a Step 4 level. For example, relevant material planning considerations such as whether the facility would provide sufficient parking for a Step 4 level and whether the Noise Assessment had been based on a Step 4 level. The spectator provision was not a relevant material planning consideration because if the proposal did not provide enough facility for use at a league equivalent to Step 4 then it would not be able to be used in that league as it would not obtain the relevant certification.

5. The transport and traffic plan for the application

Mr Paul Goddard, Team Leader Highways Development Control, said no travel plan had yet been submitted. Mr Goddard referred Members to condition 5 of the report which dealt with parking, turning and travel. Mr Goddard considered the location was well served for pedestrians, cyclists and people using the bus service offering reasonable alternatives for travel other than use of a car. The provision of a full travel plan was one of the measures outlined in condition 10 of the report which took account of the possibility for the Club to be promoted attracting greater numbers of spectators to the site. The travel plan would include incentives and the provision of overflow car parking at Newbury College with the potential for a shuttle bus that would take people from the College into the site.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

Councillor Bridgman asked to review the plan of the proposed fencing for the site. He assumed that if a player kicked a low ball it would hit the lower fencing and bounce back onto the pitch and the spectators would be behind that lower fencing. He asked if the spectator numbers standing around the edge, provided by the applicant, took into account the distance between the taller fencing and the lower fencing. Masie Masiwa said this was the case and said the 4.5 metre fence went round the boundary of the site and there was a 1.1 metre barrier between the pitch behind which would be the standing spectators.

Councillor Bridgman referred to condition 8 of the report which stated that it was anticipated the applicant would submit a plan for a pedestrian footpath link and asked if Officers had in mind what would be an acceptable plan. Councillor Bridgman referred to the current footpath and footway and said he thought the most logical plan would be for the footway to be extended through the area of proposed new planting straight into the car park which would give pedestrians a tarmacked surface to enter the site from Monks Lane. Masie Masiwa said there were a number of options available, including the one described by Councillor Bridgman, which the applicant might choose to include when submitting their plan. There was also an existing ad-hoc footpath which was already used for pedestrian access to the Rugby Club. If Members had a preferred option for the footpath this could be added to the condition in the report.

Councillor Culver referred to paragraph 2.1 of the report which gave a minimum capacity figure of 1,000 spectators for Step 4 and queried if this should be amended to read 1,300 with the potential to reach a capacity of 1,950, based on previous comments. Masie Masiwa said Step 4 grading had two categories, a minimum of 1,000 in category E and 1,300 spectators in category D and the agent had indicated the applicant was not aiming to go above the figure of 1,300 spectators in category D.

Councillor Culver referred to the agent's comment that a competent person's report had already been produced but she could not find the detail within the report and asked if this could be made available to Members as it was information needed in order to reach a decision.

Masie Masiwa advised that Sport England, as the competent person, considered that the facility was designed to meet Step 4. However, a competent person report had not been submitted with the application. The assessment had considered the current Step 4 league within the local area and none of the teams currently in that league had reached the minimum of 1,000 spectators.

Councillor Culver suggested there should be an additional condition stipulating that if this application was approved then another pitch would need to be located to replace the lost rugby pitch. Masie Masiwa said whilst the applicant would be looking for a replacement grass pitch, Sport England had not indicated this would be a requirement. The reason for this was because the current existing grass pitch which was to be lost was not used for rugby matches but was used for training purposes only and the replacement AGP could still be used for training for rugby as well as for football training and matches. Therefore, no condition to source a replacement grass pitch would be necessary. On whether this could be conditioned, Mr Till raised a concern that the red and blue line within the application might not cover land that was proposed for that replacement pitch so the request might be for an unreasonable condition where the applicant was not able to provide land to fulfil a replacement for the rugby pitch within the application site itself.

Councillor Barnett said he was concerned about the existing dual footpath along Monks Lane which was not necessarily the width of many other dual footpaths and which was used by cyclists and students travelling to and from Park House. Councillor Barnett asked Paul Goddard if consideration had been given to enhancing the dual footpath in

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

order to accommodate higher usage. Mr Goddard said widening the footway/cycleway had not been considered as it was the view of Highways Officers that it was currently fit for purpose. There was also a strategic housing site to the south and should that ever be approved then that route would be affected and changed in any case.

Councillor Vickers said he thought it was quite usual for statutory consultees to distinguish between support, no objection and objection as this could result in an application being called-in for a Committee determination. Mr Till said in his view there was no significant distinction between support and no objection in that a consultee might say they supported a proposal or they had no objection to a proposal. Councillor Vickers said WAPC Members had three choices – support, no objection and objection – which could determine whether an application was called in. Councillor Law said that EAPC Members were given the choice of objection or no objection and could not recall a time when support was specifically requested. Sharon Armour said she understood from Mr Till that in terms of support or objection from consultees, they were not counted towards the ten people that would trigger a call in. Mr Till confirmed this was correct and added that if Sport England did object concerning the loss of a playing facility then there was a separate process by which that might be referred to the Secretary of State.

Councillor Vickers asked if it was a planning matter if the applicant could not demonstrate economic viability over a long period. Mr Till said it would be a planning matter in as much as it contributed to whether Sport England would register an objection because they would have a concern as to whether the facility could be used in the long term for the proposed purpose or might result in the loss of a sports pitch because of long-term viability issues. In this particular case, the business case had been part of Sport England's considerations and they had not raised an objection.

Councillor Vickers asked whether the business case could be part of the Committee's considerations to assess viability on the basis that the application was not being considered as a replacement for another facility. Mr Till said this was a consideration in Sport England's case because they had a concern that this might result in the loss of playing pitch facilities. It would be a material consideration if they had raised an objection because the Council had a policy similarly in respect of open spaces which required the retention of playing pitches. In this particular case, the relevant consultee had not raised an objection as they did not have concerns with respect to the viability of the facility.

Councillor Law said that viability was a consideration in specific types of applications. For example, in farm diversification or public house replacements the Committee would always consider the business plans as that was part of policy but that would not be the case for smaller applications. Bryan Lyttle agreed it came down to the type of application and the associated policies. Using the example of a public house, an applicant would need to demonstrate viability. In relation to this application, Sport England could have raised viability in relation to solar power for example, which was not viability in terms of the actual operation of the Club. Mr Viv Evans, Interim Lead Planner, had considered the submissions made and stated that he had not heard anything material to the planning considerations in terms of viability. On schemes such as this, it was up to the applicant to decide what they make the application for and whether they could afford it rather than the Local Planning Authority. In this particular case, it was important to distinguish between the Council as the applicant and landowner and the Council as the Local Planning Authority sitting in the District Planning Committee. It was understandable for members of the public to be concerned about the viability of the scheme and those issues should be addressed to the Council as applicant and landowner and not as a material planning consideration. Councillor Vickers said whilst there was no planning policy that covered this application, he queried whether the application adhered to the sustainability requirements of the NPPF, i.e. economic, environmental and social sustainability. Mr

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

Evans said several statements had been made, none of which had been verified in terms of whether the scheme was viable or not. The applicant clearly considered the proposal to be viable and as such had submitted a planning application to be determined on its merits. With regard to the NPPF, Members would need to weigh the merits in relation to environmental, social and economic sustainability as to whether this proposal was acceptable or not. In recommending the application to Members, Officers felt the scheme was acceptable in NPPF terms.

Councillor Benneyworth asked whether the provision of a replacement pitch could be added as an informative rather than a condition. Mr Till said it could be added as an informative as Councillors had raised concerns in respect of ensuring that replacement pitches were provided and the applicant's attention could therefore be directed on that point.

Councillor Macro asked Mr Goddard to clarify the point he had made about the use of a shuttle bus. Mr Goddard said it was one of the measures outlined in condition 10 that should the Club get promoted a shuttle bus would be provided from Newbury College to the site on match days.

Debate

Councillor Culver said that whilst the question of whether the proposal was a replacement or not for the Faraday Road stadium was not a material consideration, her concern was that the award of contracts following the 16 December 2021 Executive stated that it was a replacement facility. It was accepted that the Council was acting as applicant and landowner at the same time as acting as the LPA, but Councillor Culver did not see how the two could be separated and a decision made about something that had previously been described in a different way.

According to FA documentation, Step 4 was equivalent to grade D so had to have capacity for 1,300 spectators and also had to have the potential for 1,950 spectators. Whilst it was accepted that some clubs at that level were not achieving those figures the fact remained that the FA stated you had to have potential capacity for the higher figure to meet the requirements of Step 4.

Councillor Culver referred to the statement made by the agent that a competent person report had been completed whereas Mr Masiwa had informed Members that a report was not available and she asked why the report was not available for consideration by the Committee if it had been completed. Councillor Culver concluded by saying there had been inconsistencies around whether the scheme was a replacement for Faraday Road or not, the application was for a Step 4 which meant it had to achieve a capacity of 1,300 spectators rising to a potential capacity of 1,950. The Committee needed to have sight of the competent person's report to be able to make an informed decision.

Councillor Bridgman said that his understanding was the step that was seeking to be achieved was the bottom end of grade E but that grade D was achievable. During a visit to the site, the plan of the site was reviewed which showed the fencing lines and where the spectators would stand and be seated and be under cover in order to achieve the numbers necessary for Step 4. On this basis, Councillor Bridgman was satisfied that the application did achieve Step 4 if built out in the way described in the plans.

Councillor Bridgman thanked Officers for their comments on the funding for the scheme. As Councillor Law had stated, when planning applications for other types of schemes were reviewed, consideration was not given to how the applicant was going to fund the build, where the money was coming from or how much it was going to cost. It was certainly a question for the Council to consider but not the Planning Committee. Based on all the information supplied with regard to the application and planning considerations,

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

such as parking, transport, noise, lighting and the footway, Councillor Bridgman said he was satisfied the application did meet the necessary requirements that the Committee should be looking at as a Planning Authority. Councillor Bridgman indicated that he would be willing to propose Officer's recommendation of approval, subject to further clarification on the issue of the footway.

Councillor Mackinnon said in reviewing the FA's ground grading it stated that '*if a Club wanted to maintain its position at Step 4 the Club must achieve grade E by the 31st March of its first season after promotion, but to be eligible for promotion to Step 3 it must achieve grade D by this date*'. Councillor Mackinnon said this statement corroborated Councillor Bridgman's earlier point and asserted that the statements made in the report on this issue were accurate.

Councillor Mackinnon proposed to support the Officer's recommendation to grant planning permission subject to the schedule of conditions within the report. Councillor Bridgman seconded the proposal.

Councillor Vickers took issue with the statement made by the supporter that Newbury Community Football Club, the Town Council and Ward Members did not support football and did not want Newbury to have a decent football facility. The amount of work that had been put in by the objectors to try and get the best possible facilities for football in Newbury was remarkable. Councillor Vickers stated that whilst the application was fairly balanced in planning terms, he felt the approach as a Council was very concerning. Councillor Vickers was not in support of the Officer's recommendation.

Councillor Macro said he was not in support of the application as he felt the proposed scheme was too large for the size of the land and any promotion might see the Club outgrowing the site. Councillor Macro's understanding of Step 4 was that there had to be the ability to have spectators on both sides of the pitch which he did not believe was the case at the site. Councillor Macro felt that more than half of the available parking spaces would be taken up by two teams of players, coaching staff and officials forcing some spectators to park in other areas such as the pharmacy across the road and possibly cause obstruction to users of other facilities. Councillor Macro also raised his concern about noise as the Noise Assessment took place on the first day of term in September which was a Thursday – though football was normally played on a Saturday or Sunday – and also when there was a reduction in usual traffic levels due to the pandemic. Councillor Macro's own experience of living 800 metres from another football field led him to believe the residents in close proximity to the proposed site would suffer noise disturbance on match days.

Councillor Somner said there was already traffic and parking at the site as games were already being played there so the proposals did not represent a brand new facility. In terms of the management between the two different sports which would be played at the site and whether that would be workable, Councillor Somner pointed out that Reading Football Club and London Irish RFC successfully shared the same facility as an example of how it could work.

Councillor Benneyworth said in looking at the application on purely planning grounds he was struggling to find a reason not to support Officer's recommendation.

As there had been a suggestion to include an informative about the footway, Councillor Law asked Councillor Mackinnon if he wished to have that included in his proposal to support Officer's recommendation to grant planning permission and Councillor Mackinnon said that he would. As did Councillor Bridgman.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Ross Mackinnon, seconded by Councillor Graham Bridgman, to grant planning

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

permission subject to the conditions listed in the main report and subject to the addition of two informatives concerning the provision of a replacement pitch and the extension of the footway to allow access directly into the car park. At the vote, the motion was carried.

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

Conditions

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

Received on 20 August 2021:

- o Proposed Clubhouse Roof Plan drawing No 1888-SBA -XX -R1-DR-A -012 Revision A
- o Proposed Clubhouse Sections drawing No 1888-SBA -XX -ZZ -DR-A -101 Revision A
- o Proposed Clubhouse Elevations drawing No 1888-SBA -XX -ZZ -DR-A -201 Revision B
- o Proposed Clubhouse Ground Floor Plan drawing No 1888-SBA -XX -00 -DR-A - 010 Revision C
- o Sewer survey report
- o Match day maintained average illuminance report
- o Guidance notes for the reduction of obtrusive light
- o Optivision LED - Sports lighting

Received on 01 September 2021:

- o Proposed Seat Stand Elevations and Plan drawing No 001 Revision A
- o Utilities and CCTV Drainage Survey plan sheet 1 of 1
- o AGP Floodlighting Scheme plan drawing No NSH-SSL-XX-ZZ-DR-A-03 Revision 01

Received on 23 September 2021:

- o Business Plan

Received on 18 October 2021:

- o Amended Design and Access Statement
- o Amended Location Plan drawing No 1888-SBA -XX -00 -DR-A -510 Revision E
- o Amended proposed pitch layout plan drawing No 1888-SBA -XX -ZZ -DR-A -512 Revision D
- o Amended Floodlighting performance report
- o Amended proposed AGP Plan with dimensions drawing No NSHSSL-XX-ZZ-DRA-01Revision 02
- o Amended floodlighting plan drawing No NSH-SSL-XX-ZZ-DR-A-03 Revision 01
- o Amended Supporting Technical Information -Pitch, Drainage and Lighting
- o Applicant response to Sport England comments

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

- o Amended proposed landscape and enhancements masterplan drawing No 100 Revision A

- o Amended planting schedule

- o Amended Tree Removal and Protection Plan drawing No 701 Revision A

- o Amended Tree survey and Arb impact assessment

- o Amended Ecological Appraisal

- o Biodiversity Net Gain Metric

Received on 03 November 2021:

- o Rugby Pitch Plan drawing No 1888-SBA -XX -ZZ -DR-A -506 Revision C

Received on 11 November 2021:

- o AGP particles research

- o AGP users guidance to reduce micro plastic loss

- o AGP users guidance

- o AGP infill material statement

- o Amended Landscape and Ecology Management Plan (LEMP)

- o Amended Construction and Environmental Management Plan (CEMP)

Received on 12 November 2021:

- o AGP Filtration catchment

- o AGP Sportfix Filtration system

- o Applicant response to Highways

Received on 15 November 2021:

- o Applicant response to Drainage 1

- o Applicant response to Drainage 2

- o Applicant response to Drainage 3

- o Trial Pit Investigation Log

- o Amended Combined Flood Risk Assessment and Drainage Strategy

- o Amended proposed AGP Elevation -Lighting Column, Acoustic Barrier, Container drawing No HTA-SSL-XX-ZZ-DR-A-02 Revision 03

- o Amended AGP Section drawing No HTA-SSL-XX-ZZ-DR-A-07 Revision 00

Received on 16 November 2021:

- o Cross section drainage and plastics filtration pipes

Received on 19 November 2021:

- o Amended proposed site plan and Electric Vehicle charging drawing No 1888-SBA -XX -ZZ -DR-A -511 Revision F

Received on 18 January 2022:

- o Amended Transport Statement

- o Amended Noise Impact Assessment

- o BREEAM Pre-Assessment Report

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

o WBC Supplementary Statement - Benefits and BREEAM

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

3. Notwithstanding the provisions of the plans and documents hereby approved, prior to above foundation level works commencing, schedule of all the materials for the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.

Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.

4. Notwithstanding the provisions of the plans and documents hereby approved, the development hereby permitted shall not be first used until full details have been submitted to and approved in writing by the Local Planning Authority in respect of the means of enclosure or boundary treatments on the site. These details shall include a plan indicating the positions, design, materials and type of boundary treatment (including acoustic fencing) and gates to be erected within the site. The boundary treatments shall be completed in accordance with the approved scheme before the development hereby permitted is first used. The boundary treatment shall thereafter be retained and maintained in accordance with the approved details.

Reason: In the interest of visual amenity, to protect neighbouring amenity and to ensure the satisfactory appearance of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.

5. The use of the development hereby approved shall not commence until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans.

a) The parking provisions to be made available before first use shall also include that all parking overflow arrangements at the Newbury Rugby Club and Newbury College are in place before the development hereby approved is first used.

b) As submitted in the application documents: In terms of the overflow parking at Newbury College, a transport bus from the college to the club shall be made available before and after the matches when the use of the overflow parking at Newbury College is required.

c) A "How to get there" page with travel directions and maps for driving, cycling and walking shall be placed on the relevant Rugby Club and Football Club websites before the development hereby approved is first used.

The development hereby approved shall not be brought into use until confirmation of how the requirements of points (a), (b) and (c) above are delivered has been submitted and approved in writing by the Local Planning Authority.

The parking, turning and travel provisions shall thereafter be implemented and kept available for use at all times during matches. If provision of parking at the Rugby Club and Newbury College is terminated, alternative arrangements shall be submitted and approved in writing by the Local Planning Authority.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. The use of the development hereby approved shall not commence until electric vehicle charging points have been provided in accordance with the approved plans. Thereafter, the charging points shall be maintained, and kept available and operational for charging of 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 TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

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

8. The use of the development hereby approved shall not commence until details of a pedestrian footpath link from Monks Lane to the approved sports hub building (including any surfacing arrangements and marking out) have been submitted and approved in writing by the Local Planning Authority. The pedestrian footpath shall thereafter be completed and maintained in accordance with the approved details.

Reason: To ensure the development is provided with adequate pedestrian footpath access, in the interest of providing adoptable infrastructure, road safety and flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. The provision of adult football and rugby home matches shall be played on alternate match days in the evenings and on Saturdays and Sundays. No main adult football and rugby team matches shall take place on the same day.

Reason: To ensure the development is provided with adequate parking facilities to cope with the demand for parking, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. In the event that the football club is promoted at any point following the completion of the approved development the applicant/operator shall submit a report that includes details of an undertaking as per the details below and results from at least two on street car parking and photograph surveys on non-match days and during match days covering the following streets:

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

Monks Lane, Tydehams, Highlands, Monkswood Close, Dormer Close, Sutherlands, Heather Gardens, Rupert Road, Byron Close, Robins Close, Charter Road, and adopted roads within any Sandleford Park development within 700 metres of the site

- a) The survey report shall be submitted within three months of the commencement of each new promotion season.
- b) Should the results on both match occasions reveal significant car parking on two or more streets, a financial contribution of £2,000 shall be provided to the West Berkshire Highway Authority towards the consultation and potential provision of waiting restrictions (the extent and type to be determined at the time depending on the submitted on street car parking survey results).
- c) Should the consultation for the above measures be negative amongst affected residents, then no further action is to be taken.
- d) Should the consultation for the above measures be positive amongst affected residents the applicant shall provide a Travel Plan Statement including but not limited to the following:
 - i. Appropriate incentives and targets to encourage use of sustainable travel for home matches
 - ii. At home matches, the provision of overflow car parking within the Newbury College / University complex with the number of car parking spaces to be agreed and the agreement attached as an Appendix.
 - iii. At home matches, the provision of a shuttle bus from Newbury College / University to the football ground.

All of the above measures shall be reviewed at five years intervals following implementation or at the point when the football club is promoted further, whichever comes first. The review shall include the submission of a review and/or monitoring report for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. In the event that development has not commenced 3 years from the date of this permission, no development shall take place until an updated Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.

Reason: If the development has not been commenced the ecological appraisal should be updated. This is because the ecology of the site is likely to change over time. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

12. The use of the development hereby approved shall not commence until the Landscape and Ecological Management Plan is implemented in accordance with the Landscape and Ecological Management Plan (LEMP) JSL4065_555 Revision 2 by RPS Group received on 11 November 2021.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

a) Any detailed habitat creation and management in accordance with the approved LEMP scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this LEMP shall be replaced within the next planting season by habitat creation and management measures of a similar size and scale to that originally approved.

b) Before the development is first used the applicant shall submit a planting plan as an addendum to the approved LEMP for approval in writing by the Local Planning Authority. The plan shall include the links between the LEMP and any other supporting information, including reference to the LEMP and the final SuDS drainage and maintenance plan.

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

Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape, drainage and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

13. Before the 3G Artificial Grass Pitch is brought into use, an Addendum to the Landscape and Ecological Management Plan (LEMP) shall be submitted for approval in writing by the Local Planning Authority. The Addendum shall outline the following:

a) Pitch substrate structural makeup showing details of the materials.

b) Details of the installation of signage with the aim of reducing micro plastics leaving the pitch and site.

c) A layout plan of the site - showing where grates, fences and other Micro plastic control infrastructure is located.

d) Details of how the applicants propose to ensure there is no net increase in the amount of plastics (that could become micro in size if not already that size) entering the natural environment because of the proposed development and its use. The details shall address mitigating the expected 15kg of micro plastics outlined within the submitted documents. The overall objection is a reduction to the point of zero offset incorporating other measures and schemes that can be employed, including schemes with third party organisations already knowledgeable in the micro plastics field such as Thames Water and the Kennet Catchment Partnership or other partners.

The approved measures shall thereafter be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that the release of plastics and in particular micro-plastics into the environment is mitigated to safeguard the River Kennet and River Lambourn Sites of Special Scientific Interest (SSSI) catchment areas. The two rivers are rivers of national and international importance with significant nature conservation value. This condition is applied in accordance with the statutory provisions relating to protected species and habitats, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

14. The development hereby permitted shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) JSL4065 by RPS Group received on 11 November 2021.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

a) The construction site office, compound and storage of materials shall be located within the bounds of the application site, unless prior approval has been granted in writing by the Local Planning Authority.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats during the construction period. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

15. Use of the development shall not commence until confirmation of the following certifications and registrations has been submitted to the Local Planning Authority:

- a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality and
- b) Confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches, and these details shall be submitted to and approved in writing by the Local Planning Authority.
- c) Certification that the Artificial Grass Pitch hereby permitted has met World Rugby Regulation 22

Thereafter the development shall be implemented in accordance with the certified and registered details and details approved by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).

16. Prior to the AGP and associated pavilion and car parking being first brought into use, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch, the pavilion and car parking and include details of pricing policy, hours of use, access by non members of Newbury Sport Hub, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).

17. Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. This is to ensure the replacement of the Artificial Grass Pitch within the manufacturer's recommended specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial grass pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

18. No above ground 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 and in particular incorporate infiltration and 'green SuDS' measures;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing should be undertaken in accordance with BRE365 methodology;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or surface water drainage system at no greater than 1 in 1 year Greenfield run-off rates;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- f) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;
- g) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- h) Include permeable paved areas which are designed and constructed in accordance with manufacturers specification or guidelines if using a proprietary porous paved system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- j) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
- k) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- l) 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;
- m) Upon completion, include a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

management company managing the SuDS measures thereafter. A pre-commencement 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.

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 (2006) and SuDS Supplementary Planning Document (2018).

19. No construction works 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.

20. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (f) Wheel washing facilities;
- (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (h) A scheme for recycling/disposing of waste resulting from construction works;
- (i) Hours of construction work;
- (j) Hours of deliveries and preferred haulage routes;

A pre-commencement condition is required because the CMS must be adhered to during all construction operations including the first operations on the site.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

21. The development and use hereby permitted shall be implemented in accordance with the Amended Noise Impact Assessment ref: 9157/RD REVISION F by Acoustic Consultants Ltd received on 18th January 2022.

a) The Noise Management Plan within the approved Noise Impact Assessment, including measures for the control of antisocial behaviour, hours of operation and reporting shall be implemented in full.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

22. The development and use hereby permitted shall be implemented in accordance with the AGP Technical Information to Support Planning Revision 1 by Surfacing Standards Limited received on 18th October 2021 and the Match day maintained average illuminance report by Surfacing Standards Ltd received on 20 August 2021 and the approved lighting details listed under condition 2.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

23. The development hereby permitted shall not be first used until details of treatment of all parts on the site not covered by buildings have been submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season of the completion of the development. Details shall include:

a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

b) location, type and materials to be used for hard landscaping including specifications, where applicable for:

i. permeable paving

ii. tree pit design

iii. underground modular systems

iv. Sustainable urban drainage integration

v. use within tree Root Protection Areas (RPAs);

c) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

d) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

e) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting.

Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

years of completion of this 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: 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 condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

24. All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing numbers JSL4065_771 & JSL4065 dated July 2021.

The protective fencing shall be implemented and retained intact for the duration of the development.

Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

25. The Arboricultural Method Statement and tree protection measures within report ref: JSL4065_771 dated July 2021 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

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

26. No development shall take place (including any ground works or site clearance) until a pre-commencement meeting has been held on site and attended by a suitably qualified arboricultural consultant, the applicant/agent and a Tree Officer from the Council to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed or that all tree protection measures have been installed in accordance with the approved tree protection plan.

The outcome of the meeting shall be submitted and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out to ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

27. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

approved plans and particulars or as may be permitted in writing from the Local Planning Authority.

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. This condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

28. The sports pavilion building hereby permitted shall not be occupied until a final Certificate has been issued, and a copy submitted to the Local Planning Authority, certifying that BREEAM "VERY GOOD" has been achieved for the development in accordance with the BREEAM Pre-Assessment Report by Scott White and Hookins received on 18 January 2022.

Reason: To ensure the development contributes to sustainable construction and sustainable operations. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD (Part 4).

29. The development hereby permitted shall be implemented in accordance with the Match day maintained average illuminance report by Surfacing Standards Ltd received on 20 August 2021 and the approved lighting details listed under condition 2.

No additional external lighting shall be installed except in accordance with a lighting strategy that has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. To ensure the protection of neighbouring residential amenity. 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).

30. The use of the development hereby approved shall not commence until details of the roofed standing area have been submitted and approved in writing by the Local Planning Authority. The roofed standing area shall be as approved by the relevant regulators and shall thereafter be completed and maintained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.

The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991- 2006 (incorporating the alterations adopted in December 1997 and May

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1 The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.

2 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

3 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.

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

5 - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules. For Rugby the artificial grass pitch is to be tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.

6 In respect of the requirements of condition 10 should the football club be promoted and the results of the public consultation public consultation on parking be negative, the Local Highways Authority has stated that appropriate waiting restrictions will be considered and implemented where necessary.

7 It is recommended that the applicant secures a replacement rugby grass pitch at the same standard as the rugby grass pitch being lost as a result of the proposed development. The applicant should seek to ensure that any new or replacement playing field is fit for its intended purpose and should be provided in consultation with the Newbury Rugby Club.

8 In conjunction with condition 8, it is recommended that the applicant secures a footpath link that enters the proposed car park to the north of the site. The footpath must connect with the existing footpath from Monks Lane.

DISTRICT PLANNING COMMITTEE - 2 MARCH 2022 - MINUTES

(The meeting commenced at 6.30pm and closed at 9.20pm)

CHAIRMAN

Date of Signature

DRAFT

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

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 13 APRIL 2022

Councillors Present: Phil Barnett,Carolyn Culver, Clive Hooker, Alan Macro, Graham Pask, Richard Somner, Tony Vickers, Graham Bridgman (Substitute) (In place of Ross Mackinnon), Geoff Mayes (Substitute) (In place of Royce Longton) and Howard Woollaston (Substitute) (In place of Dennis Benneyworth)

Also Present: Paul Goddard (Highways Development Control Team Leader), Bob Dray (Development Manager), Lydia Mather (Development Control Team Leader), Viv Evans (Interim Planning Service Lead), Bryan Lyttle (Planning & Transport Policy Manager), Kim Maher (Solicitor) and Stephen Chard (Democratic Services Manager)

Apologies: Councillor Alan Law, Councillor Dennis Benneyworth, Councillor Royce Longton and Councillor Ross Mackinnon

PART I

6. Minutes

The Minutes of the meeting held on 2 March 2022 were considered.

Councillor Tony Vickers said the reference to "WAPC" on page 16, second paragraph, should be amended to read "Newbury Town Council".

Councillor Vickers said he had asked at the previous meeting, in the interests of transparency, for the point to be minuted as to whether Councillor Alan Law, who had chaired the meeting, would declare the fact that in a previous role on the Council he had been the Executive Member that signed off the foreclosure of the lease on the football club at Faraday Road as there was a link between the two sites. Councillor Vickers was advised that his request for this to be included in the minutes would be considered and he wanted to know why it was not included bearing in mind there was now a judicial review.

Kim Maher said the responsibility of the inclusion was at the discretion of the Clerk and suggested approval of the minutes should be deferred in order to address this point. Stephen Chard said he had asked the Monitoring Officer whether to include the point Councillor Vickers had raised and the advice was that it was for individual Members to declare their interests rather than them being highlighted by another Member of the Committee. Councillor Vickers referred to an email exchange he had held with the Monitoring Officer on the matter where this same advice was given, but it had not been made clear to him what the outcome would be.

Councillor Pask said that despite the Monitoring Officer's advice, he would defer signing the minutes in the interests of transparency.

7. Declarations of Interest

Councillor Pask said this application had been referred to the DPC having previously been considered at the EAPC and some of the Members of that Committee were also Members of the DPC. Councillor Pask confirmed, for the benefit of those viewing

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

proceedings, that Councillors were not precluded from being a Member of this Committee simply because they had previously considered the application in another forum either at the Area Planning Committee or at a Town or Parish Council meeting, provided they had come to this meeting to consider the application afresh and with an open mind. This was covered in the Council's Code of Conduct and the Code of Conduct for Planning, both of which were located at Part 13 of the Constitution.

Councillor Pask declared that he was at the EAPC and had been lobbied at that stage by all sides of those making representations but had not been lobbied this time. He also declared a personal interest by virtue of the fact that he was a member of BBOWT who had been consulted on the application. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Alan Macro declared he was at the EAPC and had also been in recent contact with one of the objectors but would approach this evening's proceedings with an open mind.

Councillor Geoff Mayes declared he was at the EAPC. He also declared a personal interest by virtue of the fact that he was a member of BBOWT and the CPRE but he would be considering the matter afresh. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Graham Bridgman declared he was lobbied prior to the EAPC meeting, but had not been lobbied since. He also declared that he was predisposed, but not predetermined, on this application.

Councillor Richard Somner declared he was at the EAPC. He also declared a personal interest by virtue of the fact that he was the Portfolio Holder for Planning and was a Holybrook Parish Councillor. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Tony Vickers declared a personal interest by virtue of the fact that he was a member of the Local Access Forum which had a considerable interest in active travel and rights of way which he would likely refer to during the meeting. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

8. **Schedule of Planning Applications**

(1) **Application No. & Parish: 19/00113/OUTMAJ - land east of Pincents Lane, Tilehurst**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/00113/OUTMAJ in respect of land east of Pincents Lane, Tilehurst.

Ms Lydia Mather, Principal Planning Officer, introduced the report to Members. The proposal was as follows:

- Outline Application:
 - for up to 165 dwellings on the western part of the site;
 - 450sqm (GIA) of floorspace building in use class E;
 - Engineering operations within outline area.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

- Matters for consideration: access which included a section of single carriageway, replacement of the bollards to be located further north along Pincents Lane to prevent access beyond the site, a turning head beyond the site for refuse collection and other large vehicles, an emergency services only access point to be located where there was an existing farm vehicle access gate, and a cycleway alongside, but separate from, the existing, and to be retained, public right of way, which ran east-west across the site.
- Reserved matters not for consideration: landscaping, layout, scale and appearance
- Full Application:
 - Change of use of eight hectares of the eastern part of the site to public parkland, proposed to be protected from development in perpetuity.

The application was before Committee due to Ward Member call-in whether the recommendation was to approve or refuse, more than ten letters of objection and more than 20 signatories to a petition.

Officers had been made aware that a request had been received by the Secretary of State to call-in the application for their determination which they could do if Committee resolved to grant planning permission.

The site was outside of the settlement boundary but immediately adjacent to that of Tilehurst along its eastern boundary. The southern boundary was adjacent to the recreation ground and the designated retail and warehousing area which included Sainsbury's. The western boundary was adjacent to Turnhams Green Business Park and included access to the site off Pincents Lane. The northern boundary was adjacent to Pincents Lane, with the AONB terminating to the northern side of that road, and adjacent to fields which were outside of the AONB and the rear gardens of Seventh Avenue. There was a public right of way through the east to the west of the site and another to the eastern boundary along with a claimed path through the site north to south roughly from the back of Seventh Avenue to a pedestrian access point from the recreation ground.

The whole of the site was within a bio-diversity opportunity area, there were individual and group Tree Preservation Orders and the site was in an area of potential archaeological interest. Pincents Manor Hotel, near the access point, was a listed building. There were potential mineral deposits on the site and part of the site was at risk of flooding from surface water.

With regard to the principle of the development, current adopted policies ADPP1 and ADPP4 were spatial policies setting out the hierarchy of settlement and development was to be distributed across the district. ADPP4 related to the eastern area which stated that development would include implementation of existing commitments, infill development and site allocations. The site fell within the part of the broad location which included land outside settlement boundaries. Policy C1 had a presumption in favour of new housing within settlement boundaries and a presumption against such development outside of them with a list of exceptions. There was therefore a presumption against the application under Policy C1 where it was outside the settlement boundary and the proposed development was not on the list of exemptions.

However, as the report set out, this circumstance was unusual as it was highly unlikely that another site within the broad location and outside of the settlement boundary would be acceptable where there were flood zones to the south, where housing development would need to pass a sequential test, and the protected employment area into which other policies directed commercial development and not housing. Officers considered

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

that the site otherwise complied with the Spatial Strategy and Policy CS1, and was immediately adjacent to a settlement boundary which was in the broad location in which sites were to be identified for housing in the eastern area. This proposal thereby addressed an identified need and being in a broad location as a type of land on which new homes were primarily to be developed on. Furthermore, where Policies ADPP4 and CS1 included land outside settlement boundaries, and ADPP1 allowed for sites to be adjacent to settlement boundaries, Officers considered, given the particular and unusual circumstances, that less weight could be given to the conflict with Policy C1 where the proposal otherwise complied with the Council's Spatial and Housing policies.

Members viewed a slide of the illustrative master plan which showed how 165 houses could be provided on the site and showed some of the strategy for the landscaping, rights of way of the proposed public parkland, the turning head and emergency-only access point. The development framework showed woodland and tree planting, trees to be retained, open space, amenity grassland, pedestrian routes, public rights of way, development areas, primary access and sustainable drainage features. The land use plan showed built areas, indicative location for the community building, landscape buffers and planting and open space.

Members also viewed plans for development density, no-build zones, building storey heights, green infrastructure, access and movement, ecology strategy and drainage strategy. The plan for access to the site was shown and would be addressed by the Highways Officer.

The considerations found acceptable both to Officers and the Eastern Area Planning Committee (EAPC) included matters capable of being mitigated by condition or through Section 106 agreement were as follows:

Aggregate extraction, archaeology, contaminated land, noise, water network capacity and drainage, the hub building, climate strategy, density, affordable housing, custom and self-build housing, trees, public open space, green infrastructure – including public rights of way, travel plan, biodiversity and landscape matters.

The main agenda to the EAPC meeting set out the Officer's position which included the benefits and adverse impact, a recommendation for approval – subject to condition and heads of terms for a Section 106 legal agreement. The minutes of the EAPC meeting set out the reasons for the resolution to refuse the application on three grounds. Officers and the EAPC differed on Policy C1 and Highways access which would be addressed in detail by Mr Paul Goddard and Mr Bryan Lyttle.

Ms Mather summarised that the recommendation before Members was refusal, in line with the resolution of the EAPC, for three reasons:

1. That Committee had considered the conflict of Policy C1 to be direct and not mitigated by the other housing policies.
2. EAPC considered that access into and out of the site along Pincents Lane for future residents of the proposed development to be unacceptable due to existing traffic issues experienced at times along Pincents Lane.
3. The lack of Section 106 Planning Obligations failed to secure matters which included affordable housing, custom and self-build housing and other matters listed in the heads of terms of the main EAPC agenda.

Councillor Graham Pask thanked Ms Mather for her comprehensive presentation and noted there were no urgent questions from Members.

Mr Paul Goddard, Team Leader, Highways Development Control, presented Members with a summary of the Highways section in the main Committee report. It had taken

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

Highways Officers three years to assess the proposal in order to be in a position to recommend approval on highways and traffic terms. It had been pivotal that the scheme was reduced from 265 dwellings to 165 dwellings and the reduction, according to the traffic modelling, had made a significant difference.

The main access to the site was from Pincents Lane to the south and on the way into the access there was a proposed pinch point which the applicants had stated they had sufficient land to include. There was a further pinch point further to the south, to the north of IKEA. Highways Officers had no objection to the addition of a further pinch point which they considered would reduce vehicle speeds along this section of the road. Mr Goddard said the existing and proposed pinch points complied with Government guidance contained within the Manual for Streets.

Mr Goddard said the main issue related to traffic. The agenda pack detailed projected traffic generation for the proposal which overall was quite high as this was based on 100% privately-owned dwellings, which would not turn out to be the case as 11% of the development was allocated for retirement dwellings. The report showed the details of the traffic modelling results which complied with all Department for Transport standards and because of the sensitivity of the location with regard to traffic levels, nearby retail facilities and the level of objections raised, Highways Officers had the traffic model independently checked and assessed. The report showed the journey times from different points within the model as well as traffic queue lengths on the Pincents Lane/A4 junction. These were maximum, average figures from a 2019 base to a 2023 base when background traffic growth rates put forward by Government were used. The report then showed the figures when permitted development would include the 200 house development at Dorking Way which was important as it showed how the network would be in 2023 without the proposed development. With the proposed development – reduced from 265 dwellings to 165 dwellings – Highways Officers, found the increase in journey times to be acceptable.

Mr Goddard highlighted the executive summary of the report which outlined that EAPC Members were concerned about traffic congestion and that residents would have difficulty leaving and entering the site at certain times. In response to those concerns, Mr Goddard said the traffic model had indicated that for the vast majority of the time the highway network would work satisfactorily and there would be no severe impact. Highways Officers were aware that there would be occasions throughout the year when the network would become congested but this would be very limited and as such, Highways Officers remained in support of the application.

Councillor Pask thanked Mr Goddard for his summary and Members were invited to raise any urgent questions.

Councillor Alan Macro said he noticed an anomaly in the report in that looking at Pincents Lane from IKEA to the A4 in the AM peak, 2019 showed a base of 90, reducing to 71 with an increase of 265 dwellings but then an increase to 74 with the addition of 165 dwellings. Mr Goddard said that any congestion did not increase uniformly and because traffic was held back in some locations it could help journey times in other locations and it was felt, from watching the videos in the model, that the reduction was due to the increases in traffic queues on the A4 as a result of the proposal and because of the delay in traffic coming from the A4, it helped the situation on Pincents Lane.

Planning Policy

Mr Bryan Lyttle, Planning and Transport Policy Manager, said the Council was required to produce a Local Plan for the developments of the Local Planning Authority area and a recent Regulation 18 Consultation had been held on the Local Plan Review in which it was stated that the Tilehurst Neighbourhood Development Plan (NDP) would allocate

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

land for housing. In response to that consultation, the Neighbourhood Planning Group stated that they would not be allocating any sites in the NDP. The Local Plan, which covered the period up to 2037, needed to address developments in the east and there were currently no new developments proposed to be allocated during this period. Following the decision by the EAPC, it was decided by the Service Director that the implications of that decision met the criteria set out in the constitution for referencing up to the District Committee in that it had wider implications for the Local Authority.

Councillor Pask thanked Mr Lyttle for his succinct summary and asked Members if they had any urgent questions.

Councillor Macro sought clarification that there were no new housing sites in the east as he was of the understanding that there were two sites in Theale. Mr Lyttle said these sites had been carried forward from the Housing Sites Allocation Development Plan Document. Councillor Macro said the two sites in Theale were not in the HSA DPD.

Councillor Graham Bridgman referred to the first paragraph in point 1.1 of the executive summary and asked Mr Lyttle whether there was anything with the wording about Policy C1 that he disagreed with, to which Mr Lyttle answered no.

Councillor Bridgman referred Mr Lyttle to the Policy statement which stated that Officers considered there was limited conflict with Policy C1. If this application site was outside a defined settlement boundary, was not land that was allocated for residential development under the HSA DPD and was not an exception to Policy C1, how was there limited conflict with Policy C1? Mr Lyttle said given the requirement in the east and the built-up nature around the site to the north and south, and the protected buffer of the ancient woodland, were the reasons why Officers had reached the decision that there was limited conflict. If a site was being proposed on the edge of a settlement, the settlement boundary would be re-drawn around it.

In this instance the Regulation 18 Consultation said that the Neighbourhood Development Plan Group would be doing that work in allocating sites. This was looking at it in terms of the planning application and balancing up all the issues around that. Officers reached the conclusion that there was limited conflict with CS1 at that time. Councillor Bridgman said reference had been made that Tilehurst had to take 175 houses and sought clarification that was a requirement in the new local plan, on which Council was yet to agree, and in the current local plan, which ran to 2026, that this was not a site that appeared in the HSA DPD. The 175 houses were within the new Local Plan and not the existing Local Plan. Mr Lyttle confirmed this to be the case.

Councillor Tony Vickers asked Mr Lyttle to confirm that paragraph 3.3 of the executive summary was the key point of the issue in that it was now three months on from the EAPC and less than three months away from the publication of Regulation 19, and any appeal against refusal would take place when Regulation 19 was published and the new Local Plan carried a modest amount of weight. Mr Lyttle said any appeal at this stage would be at least twelve months hence and the Local Plan timetable would state that the Local Plan would have to be published within that timeframe.

In accordance with the Council's Constitution, Councillor Clive Taylor, Parish Council representative, Councillor Mary Bedwell and Councillor Claire Tull, adjacent Parish Council representatives, the Rt Hon Alok Sharma MP, Mr Simon Collard, Ms Ailsa Claybourn and Ms Joan Lawrie, objectors, and Mike Bodkin, applicant/agent, addressed the Committee on this application.

Parish Council Representation:

Councillor Taylor in addressing the Committee raised the following points:

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

- In planning law, the current development plan was the starting point for the determination of planning applications. There was concern that the Officer's report misinterpreted planning policy.
- The site sat outside of any planning boundary, Policy ADPP1 of the Core Strategy confirmed that only appropriate, limited development in the countryside would be allowed.
- Policy ADPP4 of the Core Strategy set out the spatial strategy for the eastern area identifying that development would take place through existing commitments, infill and allocations made through the plan-led process.
- Policy CS1 made clear new homes would primarily be developed on suitable, previously developed land or on allocated sites. The application was not on an allocated site or previously developed or infill site. If the site was outside the settlement boundary or in open countryside, development would only be acceptable in exceptional circumstances under Policy C1. The site did not meet the exceptions listed.
- The development was contrary to current planning policy and should be refused.
- The broad area of the eastern part of the district, identified in the Core Strategy, was an area within which sites would be short-listed and assessed for their suitability before being allocated.
- This area was never seen as an area where speculative applications would be considered acceptable, as confirmed in the Core Strategy's Inspector's Report.
- The Planning system was plan-led; section 38(6) of the Planning Compulsory Purchase Act 2004 required that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicated otherwise. The proposal remained contrary to the adopted Development Plan.
- The emerging Development Plan currently had no weight in the decision making process and therefore should not be used in decision making. No part of the emerging Plan had been examined so there was no certainty about the spatial strategy, housing numbers or site allocations.
- West Berkshire currently demonstrated a robust five year housing land supply and there was therefore no requirement to allow speculative planning applications.
- At the 2010 Public Inquiry, the Secretary of State, when refusing the developers last appeal, concluded that although the appeal proposal would provide a range of housing, including affordable units, it sat outside the current settlement boundary and in open countryside where policies of restraint applied and within which it would cause substantial harm. Whilst this was a revised application, the fundamental points remained. With the Covid pandemic and the climate emergency, residents had come to increasingly appreciate the importance of open and accessible green spaces.
- The proposed site was used daily by local residents throughout the year and during the recent lockdowns its usage increased considerably as residents found it to be a place of wild beauty in which to exercise.
- During the last year, Tilehurst Parish Council had been consulted on minor changes to the settlement boundary but no changes had been proposed to the

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

land in Pincents Lane, which suggested that West Berkshire Council considered the boundary should stay in place.

- The latest reports from the Planning Officer appeared to lay some responsibility for the housing position on Tilehurst Parish Council for not having allocated sites as part of its emerging, and still draft, Neighbourhood Plan. When surveyed, Tilehurst residents were overwhelmingly against development of green field sites but indicated support for brown field development.
- West Berkshire Council's now suspended Local Plan suggested 175 units should be allocated for Tilehurst Parish over the next 15 years.
- There were possible brown field or infill alternatives to the proposed 165 houses east of Pincents Lane which would meet the proposed 175 units allocated for Tilehurst Parish:
 - 55 affordable units at Pincents Manor for which no objections had been received.
 - 44 units off New Lane Hill.
 - Calcot Golf Club were in discussion with Tilehurst Parish Council relating to potential housing in local green space.
 - The current sale of the Calcot Hotel on the A4 with potential for redevelopment.
 - Four houses at the bottom of Langley Hill for which planning had been approved.
 - There were empty and commercial units in the Parish which could be redeveloped.
 - The 85-bed care home at Stoneham Farm where planning had been approved.
 - 60 other houses at Stoneham Farm with build already in progress.
- As the existing DPD had five years to run, this application, even spread out over three years, remained premature.
- Tilehurst Parish Council fully supported the decision of the EAPC in relation to traffic and congestion caused at bank holidays and some weekends, and potential residents of this development would be landlocked at various times of the year causing severe and unnecessary inconvenience.
- The single lane pinch point entry and exit at the site further raised the prospect of delay and potential safety issues.
- The emergency access from the north raised safety concerns due to the narrow, windy lane that was prone to water streams, which froze over in winter and had very few passing places.
- With regard to the risk of costs of appeal if the application was refused again, Councillors were asked to have confidence in the decision made by the EAPC which was unanimous and even the Committee Chairman had asked that his opposition should be recorded and at least two Councillors had stood down from that Committee as they felt their views could be seen as predetermined so the Committee could show that it took this decision-making process very seriously. The Council would be shown to have allowed both its Planning Committees to consider this application.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

- West Berkshire Council declared a climate emergency and should be protecting a much loved and used green space that was also home to wildlife, plant life and many wild bird species.
- There were infrastructure issues relating to GPs and school places.
- There had been a huge volume of objections to this application with over 3,000 letters of objection and a petition of over a thousand signatures. Alok Sharma's survey of residents showed 70% opposed the development and the Parish Councils had all objected.
- On behalf of the residents of Tilehurst, Councillor Taylor urged the Committee to reject this Application.

Councillor Pask thanked Councillor Taylor and invited questions from Members.

Councillor Vickers said that from the site visit he was struck by the narrowness to the north of Pincents Lane. Looking at where the schools were it would appear that any secondary school age pupils on the development would probably go up Pincents Lane to get to school and possibly face a fire engine coming in the opposite direction which was a potential danger. Councillor Vickers asked how many homes were involved in the 2010 appeal and whether there was a need for significant improvements to routes from the site towards the Sainsbury's area.

Councillor Taylor said most of the secondary school-aged children on the site would go to Little Heath School which would involve walking up Pincents Hill and on the rare occasion there might be a fire engine then that might present a safety hazard. With regard to the 2010 appeal, the number of houses in the proposed application was in the region of 750. With regard to the need for improvements to routes, there were public rights of way east to west, north to south and with a second north to south path that was likely to be improved in due course. There were lots of informal paths that ran from the western end down to the entrance into Sainsbury's which could do with some improvement but it was not certain whether that lay within the Developer's owned land or not. Councillor Vickers said he would ask Officers what could be done about them.

Councillor Carolyne Culver said she understood that Tilehurst had decided that they were not going to include housing allocation in their NDP and asked why the alternative options Councillor Taylor had outlined would not be included in the NDP. Councillor Taylor said the NDP was still under development and at this time it was not proposed to allocate any sites. It was at least a year away from this possibly going to referendum and the Parish Council was involved in discussions with West Berkshire Council and were awaiting feedback on the current draft document. Councillor Taylor said he would not completely rule out the possibility that some sites may be allocated.

Councillor Bridgman reminded Councillor Taylor that he had said Tilehurst would have to find 175 and if it was not at Pincents Lane it had to be somewhere. With regard to the alternative options of the 60 houses at Stoneham Farm and the 85-bed care home, Councillor Bridgman confirmed both of those sites were in the HSA DPD so were in fact part of the current housing allocation and not future allocation. Councillor Taylor agreed and said the reason he had mentioned them was because in one case the build had not even started but it would not form part of the 175 and in the other case the build had been in progress for approximately 18 months.

Councillor Phil Barnett asked Councillor Taylor what the main concern of the Parish Council was to the proposed application. Councillor Taylor said it was the value that the local community placed on the public rights of way on the land and its growing importance to the local community, and as identified, there were other, nearby alternatives for development such as Pincents Manor.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

Councillors Mary Bedwell and Claire Tull from Holybrook Parish Council, in addressing the Committee, raised the following points:

- Holybrook Parish Council robustly challenged why the application to build on a green field site had been recommended by Officers for approval as the site was never allocated by the DPD, there was a presumption against development outside of settlement boundaries and the development was not needed for the Council to achieve its building target.
- The Prime Minister had pledged no more building on green field sites and the campaign to protect rural England had stated local authorities should delay making decisions until revised planning policy was issued.
- A climate emergency had been declared by West Berkshire. Development destroyed nature and biodiversity, and overloaded the already over saturated infrastructure.
- The Environmental Health Officer's comments regarding noise levels was particularly damning in that air conditioning would be needed in most of the houses because gardens would be too noisy to allow windows to be open in hot weather.
- The loss of displacement deficit could not and would not be regained.
- The reduction in the number of units had not altered the design of the access, and full and proper design of the access was not possible when so much of the development it was to serve was not designed and left in reserved matters.
- The width of the site entrance was intrinsic to the application and could not be ignored and must be measured accurately by Highways Officers. If proven to be smaller than the measurement on the plan, the response from the Royal Berkshire Fire and Rescue Service needed to be revisited and verified.
- The size of fire engines had not changed and RBFRS had stated that some specialist vehicles were larger and manoeuvres difficult through 2.75 metres if possible at all.
- If a fire engine was too big then how would bulldozers enter the site and how would removals, lorries and deliveries on pallet trucks service the site?
- It was not acceptable for emergency services to face additional challenges and the risk of fatalities due to restricted access was unacceptably high and access from the north of the site did not address or mitigate this.
- The access had not changed in size, shape or form and Highways Officers originally deemed it unsuitable and had recommended refusal.
- The EAPC had already established that the development was virtually landlocked and this, combined with the increased risk to responders, made a less than required width unacceptable.
- Whilst mindful of Officer's comments and close communication with developers prior to application, Members were urged to support the EAPC's rejection of the Application and do what was right for the area and residents, and not be persuaded by the threat of an appeal.
- Holybrook Parish scrutinized plans and proposals very carefully especially in respect of design and function, and in this case there were so many conditions relating to reserved matters that Officers had effectively designed the development for the Applicant which demonstrated that the proposal to build on this valuable green field site was biased and why Officers were so eager for approval.
- An Officer stated that Reading Borough was unable to fulfil its house building target but this was not believed to be the case. The Station Hill development alone would provide 1,300 homes plus a 200-bed hotel in 2023. Reading should be asking the eastern area to help mitigate its carbon burden and not increase it.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

- The strategic partnership should not influence this application as it was the vision and needs of the local parish that should take precedence.
- In relation to traffic, Pell Frischmann's modelling data always favoured the Developer and the reality, knowledge and experience of residents was consistently ignored. The Highways Officer had admitted that there was over 90% saturation levels on the roads.
- The 71 pages of available data was out of date and did not take into account the recent change of class from D1 to E for the community hub which opened up the use to a much greater number of commercial and retail uses.
- The community hub itself was a white elephant as no health or community organisation had expressed any interest. It could not be wholly sustainable by the proposed 165 dwellings and deliveries, practitioners and users would have to come from elsewhere to make it viable.
- From 1st July 2022, B&M, the bargain retailer, had confirmed they would be open in the retail park, taking up the former Next store adjacent to Sainsbury's. The traffic modelling must be reassessed, especially with high inflation, as this store sold at rock bottom prices and the congestion and traffic that backed up onto the M4 most weekends and every bank holiday would become an everyday experience.
- Officers had recommended approval on balance however it was clearly out of balance. Members could not have failed to notice the extraordinary number of conditions in order to achieve Officer's recommendation on a site where no building should occur as it was outside the settlement boundary and the call by the Prime Minister for no building on green field sites.
- The point over the width of the access and accessibility by emergency services, the need to employ high energy use mechanics which created more carbon raised the question as to whether having to pump wastewater uphill was a good idea.
- The lack of up-to-date data and detail, and the number of objections from Parish Councils and over 3,000 West Berkshire residents meant the decision must be for refusal and the Committee was strongly urged to do what was right for the eastern area by rejecting this planning application as the EAPC had because the proposed access and reserved matters application was not acceptable.

Member Questions to Parish Council Representatives

Councillor Macro asked whether the location of the new B&M store would increase traffic and Councillor Tull said traffic would increase hugely and described the retailer as a second IKEA.

Councillor Vickers asked Councillor Tull for her view on whether a community hub was required to service the needs of the proposed 165 houses which would be fairly detached from Calcot and the rest of Tilehurst. Councillor Tull said the Parish Council was not implying there was no need for community facilities but were questioning the provision within this application because there was no provision for health facilities or an uptake by the CCG or Theale general practice which was already over-subscribed. For this application, the community hub may not be used as intended hence the reason for changing its class of use to open up to more commercial and retail use rather than community.

Objector Representation

The Rt. Hon Alok Sharma, MP, in addressing the Committee, raised the following points:

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

- He had been campaigning since 2008 to stop development on this site with local residents and paid particular tribute to Joan Lawrie and the many others involved.
- There had been thousands of objections to the application which had been heard at the EAPC.
- Mr Sharma had asked the Secretary of State to call this in and had confirmation that should this application be approved by the Council then the Secretary would consider whether a call in was appropriate.
- The reasons for objection remained the same as Mr Sharma had given previously with the key one being that this was contrary to some of West Berkshire's own planning policies.
- The proposed development was outside the Tilehurst settlement boundary and the current DPD still had a number of years left to run.
- The revised National Planning Policy framework continued to make clear the starting point for decisions was a development plan meaning that this proposed development was premature and West Berkshire Council was able to demonstrate a five-year housing supply which did not include the proposed site.
- The site conformed to all the principles of a strategic gap and was a haven for biodiversity and wildlife.
- Five applications and two appeals had been rejected on the site since 1987 which indicated this was not an area suitable for development.
- He was in agreement with the submission from Holybrook Parish Council in terms of the impact on local traffic, the pinch point and the safety issues and based on all of these objections he requested Members to reject the planning application as the EAPC had.

Mr Collard, in addressing the Committee, raised the following points:

- The RBFRS had twice rejected the application in the last 12 months mainly because of the access requirements being unacceptable and Building Regs 210, section B5, table 13.1 set out the minimum requirements. 3.1 meters in a straight line was a minimum requirement and Pincents Lane was not a straight line. The fire service had said it was imperative they could gain access and the proposal to use Pincents Lane as the sole access may compromise their ability to do so.
- With regard to the leasing of the building opposite Pincents Manor, there was an empty office building and the applicant had stated there would be a pinch point of 5.75m including a 2m footpath and a 3.75m road width which would require the removal of the laurels and potentially removal of the building.
- The leasing agent had confirmed the applicant had a five-year lease starting last year and the actual owner of that building had no intention of demolishing it so the proposed access could not be achieved without demolishing the building.
- Theale Medical Centre currently had 10,900 patients according to ONS, 2.4 people per dwelling and there were 915 dwellings within a 1.25 mile radius of junction 12 of the M4 which would create another 2,200 patients resulting in 13,000 patients at Theale Medical Centre – 72% more than the national average for a General Practice.
- With regard to school places, 915 dwellings at 0.8 of a pupil (according to ONS), equalled 690 school-age children within a 1.25 mile radius of junction 12 of the M4. Little Heath School had a waiting list, there were only 60 places available in

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

schools within this radius according to West Berkshire Council, the UK Government Education websites and each of the schools within this radius.

- The draft 106 document was virtually worthless because there were hardly any commitments in it and Mr Collard implored the Committee to refuse the application as a matter of protecting the interests of the effected residents.

Ms Claybourn, in addressing the Committee, raised the following points:

- She had conducted frequent bird surveys over the last year and the results had been stunning. Pincents Hill was rich in biodiversity and at least six species of red listed birds of conservation concern bred there.
- Ecological consultants found it of distinct value for invertebrates, breeding birds and local value for bats.
- On the strength of one season's bird records, the nomination of the hill as a local wildlife site had been suggested when usually a minimum of five years data was required. It had the potential to be made even better by developing it for biodiversity and this fulfilled the Council's and national policies.
- West Berkshire's environment strategy stated there was an increasing need for action to respond to the danger the climate emergency posed to people, wildlife and environment, and not building on Pincents Hill would help to address these dangers.
- With the laudable aim of carbon neutrality, West Berkshire would use local carbon sequestration e.g. leaving big areas of grassland undeveloped and as part of local green space.
- One of the aims of the environment strategy was to encourage more people to spend time in local green spaces to benefit their health and wellbeing and not building on Pincents Hill would help achieve this.
- The Council's Planning Core Strategy stated habitats which support protected, rare or endangered species would be protected and enhanced and not building on Pincents Hill would help achieve this. The national Environment and Rural Communities Act 2006 tasked the Council to have regard to conserving biodiversity by enhancing a population or habitat. The developer's statement on ecology concluded that their proposal would have a positive impact on the habitats and species on the site, but building 165 dwellings, roads, cycle paths, a pumping station and a community building did not support this aim.

Ms Lawrie, in addressing the Committee, raised the following points:

- It was hard to understand why this application was ever recommended for approval when it was totally against some of the national planning regulations and the Council's own safe policies, the landscape value, the previous five planning applications and two appeals.
- The reasons for refusal and dismissal had not changed, other than the increased traffic, and the public interest and involvement. However, many of these considerations had been ignored and these were the reasons the Secretary of State would take into consideration for a potential call-in.
- Development should be plan-led but by granting permission it would actually undermine the plan making process by pre-determining decisions about the scale, location or phasing of new development.
- The proposal remained contrary to the adopted Development Plan; a member from the policy department had stated that the development was against NPPF

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

rules and as the site was outside the settlement boundary and in the open countryside, development was only considered acceptable in exceptional circumstances. The site did not meet the exceptions listed in Policy C1.

- For the next four years this land was still a gap although it would appear that this designation could be withdrawn in the next DPD.
- The development should be judged on the current existing policies not future DPDs.
- With regard to the need to help Reading fulfil its house building target, this was withdrawn last year and there was no need. The Commons Library Research Briefing of 27th August 2021 stated the increase in the number of homes to be delivered was expected to be met by the cities and urban centres themselves rather than the surrounding areas.

Member Questions to Objectors

Councillor Bridgman referred Mr Collard to the points made about pressure on services such as GPs and schools and said that any development anywhere would have some kind of pressure on services and it was the infrastructure that needed to be developed in order to accommodate any new building. Mr Collard concurred with the comment but said when looking at the surrounding areas, that within a one and a quarter mile radius of junction 12 there were, under proposal, 915 homes. The doctor's surgery in Theale was already seriously over-subscribed and some of the schools had waiting lists so the infrastructure could not cope but development was still taking place without any extra services whatsoever.

Councillor Macro asked Mr Collard how Theale Surgery was currently coping. Mr Collard said it was not coping, and as Vice-Chairman of the patient participation group, he was able to advise Members that the Practice had lost two senior partners in the last two and a half years and had only got five and a half full-time GPs. The national average was about 2,000 patients per GP and Theale was already well past that at 72 times more than the national average. Councillor Macro asked whether there was any prospect of Theale Medical Centre being able to expand in any way to cope with the extra load. Mr Collard said the Practice had unsuccessfully tried to secure additional GPs as those approached had received better offers from other places.

Councillor Vickers said he assumed Mr Collard was aware of what the Community Infrastructure Levy (CIL) was for and assumed he also knew that schools and GP services were supposed to get their share having reasonably calculated what they needed in order to expand their facilities. Councillor Vickers added that the Council was not responsible for delivering those services anymore and therefore wanted to check with Mr Collard that he was aware that during debate he may find his points on these matters rejected. Mr Collard said he was aware of the constraints Councillor Vickers had outlined and was aware of the CIL payments made, but it was not possible to dictate where funding was spent so the fact that the surgeries and schools may not get any additional funding was a matter that could not be ignored.

Councillor Culver referred Mr Sharma to the report which stated that the new methodology for judging how many houses needed meant that Reading Borough Council was not going to be able to meet all of their need. Was Mr Sharma confident that the area of his constituency would be able to provide enough housing without the Pincents Hill development. Mr Sharma said he could not speak on behalf of Reading Borough Council and reiterated that, as MP for the local area, his reasons for objection were the more than 3,000 objections from local residents and that determining this application should be based on the current policies in place locally and nationally rather than

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

projecting forward, as Officers appeared to be effectively suggesting, as to what may happen with a future DPD.

Councillor Culver thanked Ms Claybourn for her observations as a result of the bird surveys she had conducted and referred her to the report which stated the area needed management as there was a lot of scrub there which would turn into secondary woodland without management. Councillor Culver asked Ms Claybourn what she felt should be done with the area if she did not accept that the applicant could improve it and provide net gain of 10% biodiversity. Ms Claybourn said she agreed the area should be managed and should be managed for biodiversity. One possibility was doing a hay cut on the big open area of grassland on the eastern side where scrub was encroaching but scrub should be managed carefully as it provided a brilliant habitat. The central part of the site was mainly scrub land because it had been left to rewild and had a number of different species of birds breeding on it and Ms Claybourn said she would be happy for that to extend a little bit further east and also to manage the grassland. There were all kinds of grasses in there and a huge number of wildflowers so management of two cuts a year, as you would do with a hay meadow, would encourage the seed stock of wildflowers to flourish.

Agent/Applicant Representation

Mr Mike Bodkin in addressing the Committee, raised the following points:

- With regard to whether the proposal was in accordance with the existing Development Plan, case law stated that the decision maker had to consider compliance with the policies set out in the Development Plan when taken as a whole. The Planning Officer's report had set out their assessment that when taking the Council's housing policies as a whole there was limited conflict with Policy C1, from the HSA DPD, and no conflict with Policy CS13 from the Core Strategy nor the NPPF.
- The Planning Officer's report to the EAPC noted the accord with the key strategic policies of the Core Strategy, partly due to the site's location in that broad location for development.
- With regard to Policy C1, Planning Officers had already discussed the partial conflict. Policy C1 was a 'daughter' document of the Core Strategy and was an inherently weaker policy than Core Strategy policies. If the site was to be allocated through the Local Plan, the settlement boundary would be adjusted in the normal way and there would be no conflict.
- In consideration of the Planning Officer's remarks about the need for sites for 175 homes in Tilehurst and the absence of alternative suitable sites for housing in the area as noted in the HELAA, discussion had already taken place about the Tilehurst Neighbourhood Development Plan first notified in 2015 and still at least a year away from consultation. It was therefore doubtful as to whether there would be a turnaround and allocation of sites that way.
- The Officer's recommendation of approval at EAPC indicated an implicit conclusion that the proposal demonstrated compliance with the Development Plan policies when taken as a whole.
- There were carefully designed proposals to meet the requirements of the landscape advisors through parameters, land use, height and other density parameters with strong buffers and the use of boundary treatment to the development areas.
- There was no objection from the Council's Ecologist or the Wildlife Trust and a guarantee of 10% biodiversity net gain.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

- Paragraph 1.11 of the NPPF stated that refusal should only be where there would be unacceptable impacts on highway safety or the residual cumulative impacts would be severe. The applicant had worked with Highways Officers closely over several years to secure the strong recommendation that Mr Goddard gave to the EAPC so there could be no conflict with the NPPF as suggested in the second reason for refusal set out from the EAPC.
- With regard to the traffic modelling, the existing mover software on the lights was the reason why it seemed to produce counter-intuitive results in relation to speeding up journey time through the network and this could be addressed later on in the meeting.
- With regard to access arrangements, the plans showed the result of a detailed topographical survey on the ground and were consistent with Government Policy Manual for Streets and the Highways Department had raised no objection to the proposals.
- The landowner and promoter of the site had control of the new commercial unit adjacent to the access point which was on a lease with an option to buy and an agreed sum so that could be exercised in the event of requiring the building.
- The proposal was in accordance with the existing Development Plan taken as a whole and Mr Bodkin suggested that Planning Officers agreed with this view, either explicitly as stated in relation to housing policy, and also partly implicitly.
- With regard to prematurity which was discussed at the EAPC, the bar was set high when it came to prematurity under the planning system. The development was not so substantial as to threaten delivery of the plan as a whole and the emerging plan was not at an advanced stage.
- In relation to the points over lack of need, and the existence of a five-year housing land supply on the achievement of the housing delivery targets of the Council in recent years, these were floor targets to be exceeded not a quantum to be achieved and development to be shut down.
- Where the proposal was not in accordance with the Development Plan, material consideration should be given to the delivery of 99 market units, in an area where the ratio of house prices to average wage was almost 11, and the delivery of 66 affordable new homes for local people to assist in meeting the shortfall of delivery, equating to 73 units per annum on the Council's own figures; the delivery of the equivalent of seven month's supply of self-built homes; the delivery of homes for older people – both market and affordable; the delivery of 22 acres (in excess of nine hectares) of public parkland protected in perpetuity and managed according to Council or local arrangements with a guaranteed minimum of 10% biodiversity net gain measured across the whole site and confirmed through Section 106 Agreement and current government guidance.
- The health care hub would be offered first to the NHS and then to private healthcare providers and restricted to only suitable use classes under the new regime.
- There would be an upgrade to some of the off-site public rights of way.
- On climate change, resilience and an adaptation strategy there was an extraordinary set of benefits and material considerations weighted in favour of the development.
- The third reason for refusal in relation to a lack of suitable planning obligation was very much a technical ground and heads of terms had already been tabled for a suitable agreement.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

Member Questions to the Agent/Applicant

Councillor Culver asked Mr Bodkin why one bedroom properties had been removed from the proposal given the gap between average income and house prices and asked if he was aware of the Strategic Housing Market Assessment which stated that at least 15% of all homes ought to be one bedroom. Mr Bodkin said the housing mix presented was not a firm proposal but was illustrative as an outline application and the mix would be taken as a starting point at reserved matters stage.

With regard to older people, Councillor Barnett referred Mr Bodkin to paragraph 6.97 of the report which referred to older people as 55 and asked whether at least one person in a couple had to be 55 years or older or would both partners need to be 55 or over. Mr Bodkin said whilst he was working on another scheme where only one partner in a couple had to be 55 years or over, for this proposal, the question would need to be determined at a later stage.

Ward Member Representation

On behalf of Councillor Jo Stewart who had sent her apologies, Councillor Tony Linden, in addressing the Committee, raised the following points:

- This piece of land and the surrounding area were of extreme value to residents and those in surrounding wards.
- The reasons for objection by the EAPC were believed to be sound and specifically identified where policy was being contravened. In particular, Policy C1 of the HSA DPD 2006-2026 as well as five policies of the West Berkshire Core Strategy 2006-2026 and the NPPF.
- The concern was not only for residents already living in the area but also those living in neighbouring wards and parishes who had no choice but to use the available infrastructure and road networks for living and working.
- There was additional concern for all new residents who may come to live in any proposed new development on Pincents Hill.
- Highways Officers had concluded that traffic modelling showed negative impact on anyone using the road network in the area would be limited to possibly less than ten times a year and as they had no objections presumably they considered that to be acceptable. However, if you lived in that development and were trying to get out for an appointment or for work and had to do so by car, then it would not be acceptable to be imprisoned in the estate or have to park your car a mile away perhaps and walk or bus home until traffic abated.
- Public money was used in the pursuit of planning applications and any subsequent appeal and there was a duty to ensure any monies were spent with care and due consideration of that obligation. The decision to bow to the pressure of a developer was not understood, especially when doing so would contravene the Council's own planning policies, simply because the Council was concerned it may lose. To go down that route would put the Council at the mercy of any developer who may view the Council as a soft touch.
- The Committee was urged to heed the sound policy-based reasons made by EAPC and refuse the application.

Councillor Tony Linden, in addressing the Committee in his own right, raised the following points:

- Full support was given to the reasons of Councillors Graham Bridgman and Clive Taylor for refusing the application.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

- At the EAPC, no Officers mentioned the appeal at the end of the hearing when Members suggested refusing the application. That was considered normal if there was a worry from Officers that there could be an appeal and potential costs.
- The Transport Policy in the report referred to people traveling from the site as pedestrians and cyclists which may be appropriate on the Hill for fit and able residents but quite a lot of residents who moved in may not be fit and able and public transport would end at IKEA with the number 26 bus.
- In terms of ADPP4, there was a map in the report which showed the eastern area broad location by developers that was hatched in that area with the Pincents Lane outside and within the retail park; this site had not been approved by the Council. Officers may think there were suitable sites but it had not been approved by the Councillors.
- At the previous meeting Councillor Linden had raised the objection of the RBFRS being approved by the Chief Fire Officer, the Deputy Fire Officer and the Chairman of the Fire Authority.
- Thames Valley Police had stated that in times of heavy traffic, the response of emergency services would likely be compromised and be detrimental to public safety.
- The local MP, residents and three Parish Councils had all objected to the proposal.

Members Questions to Ward Representatives

Councillor Vickers said he thought the Fire Authority objection had been cleared with regard to traffic congestion and asked whether the solution of an emergency access to the north of Pincents Lane was a satisfactory one and also sought clarification on whether the Fire Service HQ was a source for responder services or just an HQ for office staff.

Councillor Linden directed Members to page 24 of the pack and the comments on the 265 and 165 houses included the authorised Fire Safety Inspector. The service HQ was the site which was the access point in between the car park and IKEA. That was the problem on the egress in terms of operational fire staff who were based there so the appliances would normally come from the field community fire station but also other fire station equipment could arrive including from Newbury and Whitley Lane in Reading. The Dee Road was being disposed of and it was only the school there and Pangbourne Fire Station was shut. Fire Officers were based there, including the Chief Fire Officer, Deputy Chief Fire Officer and key fire control staff as well as Thames Valley Fire Control Service in the building which covered Berkshire, Oxfordshire and Buckinghamshire. There was also a department from TVP based there.

There was also the use of existing retail outlets which at the time of the report did not include B&M.

Councillor Vickers asked would providing an alternative access get around the problem of response times which, as indicated, would still on the whole have to come from the A4 via Sainsbury's and IKEA and go past the HQ which was not a source of responder vehicles except for perhaps some high commander vehicles going to a site to supervise. Councillor Linden said Officers would be able to comment on this but this would be Command and Control and not a source for response vehicles which came from the area, neighbouring areas and elsewhere in the country.

Councillor Macro asked if there was a serious incident, would senior Officers need to go from HQ to attend as there was a concern if there was heavy congestion in Pincents

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

Lane they may be delayed. Councillor Linden said senior Officers would need to attend a serious incident and this would be a concern because time was vital and there was already congestion at particular times of the day, particularly if there were problems on the M4 and local routes needed to be used.

Members Questions to Officers

Councillor Vickers asked Mr Lyttle if it was correct that costs would only be incurred on an appeal of refusal but if the application was approved and Mr Sharma referred it to the Secretary of State, then no costs would be incurred for any decision the Secretary of State might make. Mr Lyttle said he believed this was the case.

Councillor Vickers said if there was no answer from the Fire Service whether they were happy that emergency access was now provided – notwithstanding that the view had been expressed at this meeting that emergency access would make the area less safe having a large vehicle travelling down Pincents Lane at high speed – could Members be assured that emergency access was needed as well as being assured that the fire service were now happy with it. Mr Goddard said this was a somewhat difficult area because the comments from the RBFRS were somewhat limited in that they never comment on the physical access arrangements of the site because they tended to be more involved at building control level so access design was very much for Highways Officers to decide.

Highways Officers had some difficulty because with emergency access provision there were currently no local policies on providing emergency access within any design guidance. The Government's Manual for Streets did not help very much either because it did not specify x number of houses required an emergency access. Nevertheless, with this proposal, an emergency access had been proposed and Highways Officers would have asked for one anyway because it was a good thing to have from a safety point of view. If Members were concerned about emergency access, Mr Goddard advised them to be cautious about how defensible any position was at appeal as the responses from the RBFRS were as far as they were going to go. They had objected to the potential congestion for 265 dwellings but their response that followed later on, when the scheme was reduced to 165 dwellings, was a little less clear as they just reiterated what they said before and Mr Goddard was concerned that they may have missed the point that the scheme was reduced to 165.

Councillor Howard Woollaston said he had visited the site on a Saturday afternoon at 2.00pm and it was very busy with lots of people going to IKEA. Having looked at the access point at the site, Councillor Woollaston asked for an explanation as to how it could be widened. Mr Goddard said the Manual for Streets stated that, for short distances, to enable access by emergency vehicles a width of 2.75m was required, but overall 3.7m was required because that gave enough room for a fire crew to operate around. The proposed access provided a pinch point that was 3.75m wide and the applicant had informed that they had the land to deliver this along with a 2m wide footway.

Councillor Culver asked whether Members were happy to approve an application where there was going to be a community building that could be empty for several years as the CCG had already stated they would not want to use it. Lydia Mather said Section 106 heads of terms had a cascade mechanism in terms of who it was offered to first and then it made its way down until it would end up effectively, from a commercial point of view, in the open market. In terms of the use class, it was put forward for class D1 and then the use class order had changed so that class D1 was part of class E and then there was a condition restricting the uses within that recommended in the Officer's report.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

Councillor Culver asked which organisation might end up managing the parkland because this was going to be a long-term commitment. Lydia Mather said this was captured in the Section 106 with a response from the Countryside Team who said they may be interested in taking it on.

Councillor Vickers said he had visited the site and went through the traffic lights where people cross from the IKEA car park to IKEA and he stopped at the red light to let some pedestrians cross but the light did not turn to green again. Councillor Vickers asked whether a condition could be put on the application that all the traffic light arrangements on that whole route could be paid for by the developer as he could see lights were not currently needed as there was nowhere to really go. Mr Goddard said given the scenario Councillor Vickers had described it was difficult to give an answer, but he could get it looked into to make sure those signals were working correctly but that was a reporting issue outside the remit of this meeting.

Councillor Culver asked for clarity about the number of dwellings that may be affected by the sound levels as 12 out of 22 areas that were tested would exceed the World Health Organization levels. Lydia Mather agreed that 12 out of the 22 areas tested exceeded WHO levels but did not have the information on how many houses that would equate to. The layout was a reserved matter and Environmental Health had indicated that with the final layout, having to take the noise into account, the orientation of the houses and that the layout may minimise some of that, the comments were based on the current layout and the noise assessment to date.

Councillor Barnett asked whether the footbridge over the M4 going across to the back of the road in question was ever likely to become, or could become, a vehicle bridge if there were further applications under consideration. Mr Goddard said with the IKEA proposal, some improvements to the bridge and to the approaches were made to make it better for cyclists but no further improvements were scheduled.

Councillor Macro raised the issue of the shortfall of houses in the Tilehurst area and asked Mr Lyttle when it was calculated whether the 300 homes at the west end of Theale called Lakeside was taken into consideration because that was taken out of the housing supply calculation some time ago. Mr Lyttle said his understanding was it was a question of deliverability of that site and referred to Bob Dray. Mr Dray said Lakeside was not included in the five year housing land supply because of the delays in it coming forward for development but it was a committed development in the HSA DPD so they were two different things.

Councillor Bridgman raised the issue of 'limited' conflict with C1 (under Policy on page 6 of the pack) and point 6.15 of the Officer's report where it stated that this was 'directly' in conflict with C1 because it was outside the settlement boundary and the proposal was not a listed exception. Mr Lyttle was asked to comment on the contrast between 'limited' and 'direct' conflict. Mr Lyttle said it came down to the balancing matter. As he had previously stated, Officers would want plans to come forward in the Local Plan period. However, this site was taken out of the Reg 18 and was left for the Neighbourhood Planning Group to take forward and it was in that round that the Planning Officers made the decision, following the turning down by the Neighbourhood Planning Group, for allocating the site in this broader area.

Councillor Bridgman referred to the question and answer session reflected in the minutes of the EAPC in which he and Mr Lyttle had a conversation about the numbers in the current Local Plan that had been delivered or were due to be delivered and the reference there to 280 dwellings forming part of the HSA DPD for this part of the district and Councillor Bridgman's calculation that 333 dwellings had actually been brought forward or were on the table to be delivered. Mr Lyttle had now referred Members to a reason

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

why ADPP4 should be preferred because of the removal of Pangbourne from the DPD because it was AONB according to the Inspector. Policy HSA 21 of the DPD said that was a delivery of 35 dwellings which, if added to the 280 that were due to be brought forward totalled 315 but 333 were already being delivered so the HSA DPD number was being delivered and West Berkshire currently had a housing land supply of about 7.1 years and we were achieving 1.17 on the housing delivery test. Councillor Bridgman asked Mr Lyttle to reflect on the delivery of housing that had already taken place in this area compared to what was in the DPD.

Mr Lyttle said the delivery to the Core Strategy and the HSA DPD to 2026 was correctly reported on page 98 of the pack. What was being talked about was the Local Plan review going forward to 2037 and it was that additionality that the Service Director said was a district-wide matter and that is why he had referred it up to tonight's Committee.

Councillor Bridgman said that he preferred policy C1 over other policies because, as already stated, the Committee was proud of being a policy-led Council. He asked Mr Lyttle if he could recall any application that had been brought for housing outside a settlement boundary which had not met any of the exceptions to C1 where Officers had recommended approval. Mr Lyttle said north Newbury was an example where it was outside of settlement boundary; all the land north of Vodafone and to the west of that came outside of the Local Plan because it was too late to be included in it. The Council had taken the strategy for Sandford forward because it was not delivering and it was not part of the exceptions test but were at danger of losing a five-year land supply argument and therefore in that exceptional circumstance, Members allowed at Committee to agree the application for north Newbury.

Councillor Vickers said as a point of information he had been at that meeting and confirmed it had been approved but only on appeal. It was refused by WAPC for the reasons given and it went to appeal which was lost because the five year land supply could not be demonstrated.

Councillor Bridgman took the point but asked Mr Lyttle whether he agreed that there was a difference between that position at the time where the Council was in danger of losing on a five-year housing land supply and this one where there was a 7.1 year housing land supply so that test for Officers did not arise. Mr Lyttle said he agreed with that and reiterated that it was a short-term versus long-term issue.

Councillor Vickers said that from the site he had walked the connecting route to the west of Sainsbury's where he saw the informal unsatisfactory cut through that people had been using. Looking at the map, he realised there was another possible route along the western edge of the recreation area where the developer was proposing to provide an access but where there was not currently a public right-of-way. Although the online map showed a perfectly good route which could not be seen all the way because of the trees, he wondered, if Members were minded to approve, if it was possible, since those routes were outside the control of the applicant, to make the applicant pay for the necessary dedication or provision of those routes. Lydia Mather said it would be a Section 106 and would be a negotiation to take place.

Councillor Vickers said he had noted that all the engineering works were part of outline planning and knowing that soil was precious and stripping of top soil for a long time completely destroyed the soil structure and not good for biodiversity, ecology or drainage, was there a way one could condition the amount of engineering works that took place so that it was limited to what was absolutely necessary. Lydia Mather said as part of the plans there was an existing topographical survey, there were proposed ground levels, a spoil condition and also parameter plans regarding land form and build heights, all of which had AOD figures on them so they could be conditioned and their working

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

conditions recommended on ground levels so the extent of necessary works could be controlled.

Councillor Clive Hooker queried, looking at the restriction of the road and the access in through IKEA, if anything needed to be taken out what route would be taken that would not be a disruption to the shopping area. Paul Goddard said it would go out via Pincents Lane and he would not want it going out via the north along City Road near Little Heath School. He thought the best route would be via Pincents Lane to the south and said he thought, as was quite common with construction management plans, that times at which deliveries could take place could be limited and deliveries could be made avoiding peak travel periods for instance which would ensure that construction vehicles did not add to any congestion during peak travel periods. Mr Goddard also confirmed that the materials for 165 houses would also come in via the IKEA route.

Councillor Pask said he believed in traffic modelling but having spent all his professional life in the aviation industry if something did not look right, invariably it was not right. Page 80 of the pack showed maximum average journey times and in the column for 2023 plus growth, the figures decreased from 88 to 74 with the addition of 165 houses on the route from IKEA towards the A4. Mr Goddard had earlier said that the traffic delays on the A4 increased but from IKEA to the A4 they reduced.

Mr Bodkin had made a comment that sensors on traffic lights would improve flow but Councillor Pask was puzzled as to how adding 165 houses could reduce delays both in times and, in some cases, in distance. Mr Goddard said he would need to delve into the matter more to provide a definitive answer of why the modelling behaved in that way. As stated earlier, if the traffic was delayed in one part of the network, that would hold traffic back and that could help others. Mr Bodkin had mentioned MOVA – microprocessor optimization vehicle activation – which was a software package that was installed at the traffic signal junction A4 Pincents Lane and Dorking Way that enabled the junction, within confined limits, to think for itself meaning that if there was a longer queue in one direction it would increase the green time to help to clear it. It was the AM peak that was being looked at and the traffic signals at A4 Pincents Lane would be set up for the retail outlets there and the traffic that would come from them. During the AM peak there was very little demand from those uses and the signals would probably be adjusted when the development was put in and that probably resulted in the big falls in journey times at that time in comparison to PM and Saturday peak times. Mr Goddard added that the traffic model had been independently checked by WSP Consultants.

Councillor Somner said Dorking Way currently had 199 dwellings being developed and there was another site opposite which he believed was going to be in the region of 38 dwellings. The last application that went in that was rejected had reduced the number of dwellings but put in a pub restaurant. Councillor Somner sought confirmation that the numbers in the pack included the current development, the other development which would be coming forward because it was in the DPD and the current movement of that traffic depending on which way it went. Mr Goddard was able to confirm that the 199 dwellings on Dorking Way were included within those figures. From recollection, Mr Goddard thought the traffic direction was 50/50 between coming towards the M4 and going towards Reading. Mr Goddard was not sure whether the smaller housing development complete with the restaurant was included in the figures without referring back to the full information but thought it probably was as it was committed development that was in the HSA DPD.

Debate

Councillor Hooker thanked all the participants that had come along for their contribution to the meeting and everything they said had been taken on board by Members. For the

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

benefit of those watching the meeting and Members, he said he had read the papers in great detail and had attended the site meeting last week which was excellently conducted by Lydia Mather.

Councillor Hooker said he had not watched the zoom meeting of the EAPC to avoid being influenced in any way but would say from the outset that he was concerned that he was being drawn to a decision for potentially, what may be perceived by fellow Committee Members, to be the wrong reason and he would be interested to listen to the full debate to convince him differently. He said much weight and emphasis had been put on the fact that a refusal of the application by the Committee would result in an appeal and with that the subsequent costs of defending that appeal.

Councillor Hooker said he was conscious that this emphasis, given by the Development Control Manager, had in fact set a precedent as in his experience it was more robust than he would otherwise expect in an application at this level. It was for this reason his attention and direction had been focused wider than purely on planning issues and policies. When Councillor Hooker had initially looked at the plans and layout of the application, he thought it to be a good, well thought out residential development albeit in its outline state and was encouraged to see the large green parkland for a recreational use. He knew well the junction 12 area off the M4 with the retail park but it was not until he went to the site meeting and went onto Pincents Lane that he realised that there was only one way in and out of the development and the exit point was only just over 5m wide, just enough to take an emergency vehicle and justify that requirement. For daily traffic movements a single way traffic system would be in place requiring give and take by drivers to get through.

He was surprised that when walking the site road down to IKEA to find that traffic from the estate would have to negotiate a traffic lighted zebra crossing for IKEA customers crossing from the car park to the store and then further down the road to the roundabout, more traffic lights before getting onto the A4 itself. Councillor Hooker said he would like to make it clear that he had much respect for the Highways Officers and in particular Mr Goddard but in this case, the computer traffic modelling exercise, in his opinion, resulting in the computer saying 'yes' suggested the computer had not applied and could not be programmed for one element the Committee could apply, which was common sense.

The site would accommodate 165 houses all hoping at daily peak times to leave and enter for work, school runs and shopping through a one-way exit/entrance system and he feared at times this would make smooth traffic flow untenable and road rage would inevitably ensue.

Whilst at the site meeting it was suggested by the agent that the developers had acquired the building on the right to the entrance, Members had heard today that it was the case as a lease and an option to buy it. The agent might consider, to alleviate these traffic problems and to assist the application, that the Developer could consider realigning the boundary fence of that property or knocking down the building to enable widening that road onto that site.

Councillor Hooker said Members were proud the Council was plan-led with respect to planning issues. The site had been in the headlines for over 40 years and had experienced problems in 1977, 1983, 1987, 1988 and 1989 with applications for residential development being submitted and refused. In 2009, a further development for 750 houses was applied for, refused, appealed and then dismissed by the Inspector. In the current Local Plan, the site was not put forward during the call for sites exercise and had not been submitted for consideration in the Local Plan currently in draft. Therefore, the application was effectively a speculative development. The site was also outside of the settlement boundary.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

Due to a change of mind on the Regs 8 consultation by the Tilehurst Neighbourhood Steering Group, it informed the Council it no longer wished to allocate land for housing as part of its DPD. This had increased the demand for housing sites in the east of the district and the, up to now, plan-led policy, which had always been rigorous appeared to have come under duress, and in this case to be forsaken with a recommendation of approval by Officers.

As Members of this Committee, decisions were made on policies and common sense always taking note of local concerns. Members were, however, lay planners and must take heed of advice given by Planning and Highways Officers and the Development Control Manager. Councillor Hooker said he was conscious of the requirement for housing in this part of the district but had serious concerns regarding traffic matters and for these reasons and those mentioned earlier felt the outcome of this application could be unfavourable.

Councillor Hooker said he was equally concerned that in the current climate of Government looking to drive up construction of houses wherever it could and with the perceived pressure on Inspectors to accommodate that requirement, he felt that the professional opinion suggested by the Development Control Manager would come to fruition, that should this application go to appeal, the Inspector may overturn a decision of refusal. Councillor Hooker said he was conscious of Members possibly committing the Council to exorbitant appeal costs having had a strong indication in the advice given of the outcome of the appeal, hence his view of a decision being made for the wrong reasons.

Councillor Hooker said he looked forward to the remainder of the debate to see if the feelings of the other Members on this was in line with his thinking as this was a most contentious application.

Councillor Macro said he had several concerns about this application mainly revolving around highways and access. As heard from objectors and could be seen in local newspapers, there were frequent, long hold ups along Pincents Lane, particularly on bank holidays and wet Sundays due to people accessing IKEA and the other retail shops, and that was likely to be made worse when B&M opened. The idea of putting another 38 vehicles per hour on that Lane on a weekend was only going to make that situation worse. It would be appalling if there was an emergency on the site and an emergency vehicle could not get through IKEA and had to divert all the way around via Tilehurst adding 10-15 minutes to the journey. If emergency vehicles were going up and down the upper part of Pincents Lane, it would make things dangerous for anybody who was walking along the Lane which did not bear thinking about with Little Heath School and Springfield Primary School at the top of the hill.

Councillor Macro did not envisage many parents expecting their children to walk up the hill particularly in bad weather which would lead to far more traffic putting a lot more strain on the A4 on the traffic lights at Langley Hill. Despite Mr Goddard's comments, Councillor Macro said he still had severe doubts about the traffic modelling. He had spent the last few years of his career developing and validating computer models and if he saw numbers like those in the pack, then he would have delved deeply into why there were anomalies.

One other aspect related to congestion on Pincents Lane was that currently if there was heavy congestion on a weekend or bank holiday, the main people affected were customers of IKEA, Dunelm or Sainsbury's but if the development went ahead, there would be shift workers delayed getting to work, people missing flights or hospital appointments so the effect was going to be far worse. One of the other aspects was the surface water drainage proposal which was that the water would drain down to a

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

retention pond at the bottom of the site and from there would be pumped back up to the top. Drainage people were concerned about that in terms of maintenance and access but Councillor Macro said he was also concerned that it was not sustainable spending a lot of money pumping water up uphill for it just to run down to another watercourse somewhere. There was also the issue of if there was a power cut you could end up with the flood water cascading down Pincents Lane into the area of IKEA.

Finally, Councillor Macro said normally a site like this would have been proposed for the Local Plan, the Local Plan would have gone for consultation and local residents consulted twice – Regulation 18 and 19. In the regulation 18 consultation the site was not there; if it had been put in the Neighbourhood Development Plan, it would have gone to referendum so local residents would have had at least two opportunities to have their say before the planning application was submitted.

Councillor Vickers said he had come to the application fresh like Councillor Hooker and was very grateful for his very comprehensive prepared and balanced speech. Councillor Vickers said he had read the papers twice and had been to Pincents Lane beforehand and looked over the fence where the emergency exit/entrance was and thought it surely could not be this housing site that was being talked about, before realising it was coming to the DPC. When he went back there for his own private site visit he had looked at it in detail realising this was a highly contentious site.

Councillor Vickers said having initially thought the application could not be approved to now looking at the plans and thinking it was not as bad as he had first thought, he was now undecided. He said whatever happened, the final decision was almost certainly going to take place after the Reg 19 was published where the new Local Plan would have considerable weight.

Councillor Vickers said he was satisfied by the argument that it was, on balance, in conformance with the Local Plan and was happy with the principle of development because Core Strategy CS1 talked about broad location and there were no broad locations within the settlement boundary. With regard to the proposed highways reason for refusal, Councillor Vickers said he was concerned about the whole situation with Pincents Lane. He agreed that modelling worked but it did not take full account of behavioural patterns and it was important to make sure that alternative methods of travel were as convenient as possible for all essential travel routes. Councillor Vickers also felt that approving the application would secure the decent management of a very significant area of beautiful open space which would meet wildlife considerations. In summary, Councillor Vickers said if there was a proposal to support Officer's recommendation to approve then he would support it.

Councillor Bridgman said he had come to the meeting predisposed but not predetermined and was fully prepared to be persuaded by Officers that the views he had expressed to the EAPC were wrong. Those views were that as a policy-led Planning Authority, policy should be followed and that policy C1 should be preferred.

However, Councillor Bridgman said he had not been persuaded by Officers that his initial views were wrong. With the references made to ADPP4, Councillor Bridgman reflected that was a policy of the current plan and he preferred the concept which was there was an overarching strategy, then there were bids for sites, then there was the HSA DPD, and Council considered at some length what sites should come within the Local Plan and should be brought forward for development and this was not one of them.

If it was accepted that development that had not been debated and had not gone to consultation should not be developed, then his view was that this development was of that type. Councillor Bridgman said he understood the argument that was put forward in

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

respect of north Newbury but things had changed since that time. There was now a 7.1 year housing land supply and a robust defence of Policy C1 at every opportunity and apart from two applications, the Council had won every appeal that had been brought against the Council on housing land supply. If the new Local Plan had been adopted or was yet to be implemented and debate had taken place about what sites should be in it and the Council had had the opportunity to debate and decide what sites should be brought forward for development, Councillor Bridgman said he would have great sympathy with the argument on behalf of the developer but that was not the case as the current Local Plan still had four years to go.

Councillor Bridgman said this development was against policy and Officer's recommendation should be rejected.

Councillor Culver said she was in full agreement of the views expressed by Councillor Bridgman. She was also concerned about the noise and the fact that large parts of the site would exceed WHO levels and was not persuaded that orientation of houses would overcome the problem. Councillor Culver said she was concerned about the northern route that was being proposed for emergency vehicles to come in as the Lane was very narrow with hardly any passing places. With respect to the community building, she was concerned that developers had not given sufficient thought to the purpose of it; bearing in mind the CCG did not want it there was a real prospect the building would sit empty for a number of years.

Councillor Culver said she did not think the proposal to pump water uphill sounded like a good idea and was concerned about the impact that might have on flooding. It was believed that some of the homes would have to use air-conditioning to overcome external noise which would not be environmentally friendly. Councillor Culver said she was conscious that the housing mix was a reserved matter but the proposed application as it stood did not have any one bedroom homes and had given no regard to the Council's Strategic Housing Market Assessment.

Councillor Culver felt the site was great from a sustainability and rewilding perspective. She had questioned whether she should sacrifice her concerns about that in order to provide housing but this application had not convinced her of that because it did not meet local housing need.

Councillor Geoff Mayes said he had reviewed the traffic data and was happy with most of it but did not agree with the data for Pincents Lane as he thought what was being muddled was the actual traffic flow and the length of the queues in Pincents Lane itself, not in the wider area that had been surveyed by the traffic counts that were mainly on the A4. He felt as far as Pincents Lane was concerned, there was a big problem which was quantified by the length of the queues that were quoted to be 35 to 45 at peak hours with up to 70 cars in a queue on a Saturday and possibly Sunday.

Councillor Mayes expressed concern about the proposed drainage system in that the drainage from that area could quite easily go into the Kennet catchment without being re-pumped.

Councillor Mayes' final point was in relation to the emergency access in that there was a gate on the northern part of Pincents Lane which was the closed section from the south but there was not a road from the gate area onto the adopted road system within the actual housing area.

Councillor Richard Somner thanked Officers for the considerable amount of work that had been put into this case over many years. He said he had been litter-picking recently in Pincents Lane and was nearly knocked down by a cyclist who was free-wheeling down the hill and who knew there was nothing coming the other way but expected nobody to

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

be walking on it. In addition, Councillor Mayes was nearly hit by a small hatchback car that was not speeding, but to avoid collision Councillor Mayes had to climb the bank, the issue being that this was a small car, not a fire engine or refuse lorry. Councillor Mayes said this had reinforced the comments he had made at the EAPC about the lack of safety for the people moving into the area and his position on that and other issues remained unchanged.

Councillor Barnett said the main concerns had centred around access to the site, vehicle movements and build up and the loss of another green field site which was valued by local people and such loss was of great concern to them. Councillor Barnett felt the evidence put forward had reiterated a lot of the points made at the EAPC and whilst he had come to the meeting with an open mind he was still at this late stage in the meeting very much in the middle as to how he would vote.

Councillor Woollaston said he had come to the meeting completely fresh and with an open mind. Whilst there was a clear need for housing, his main concerns with the development were traffic generation and access to the site which he believed would be a major problem and he was minded to vote against the proposal.

Councillor Bridgman proposed rejection of the application and to go against Officer's recommendation on precisely the same basis as was debated at EAPC:

1. Policy
2. Highways
3. Section 106

The proposal was seconded by Councillor Culver.

Councillor Vickers proposed an amendment to the proposal to remove reason number one in relation to Policy. Councillor Vickers said he would not support the motion unless reason number one was removed. Councillor Pask said that was his choice but he had a proposal which had been seconded and had been advised by Officers that as that had happened, no further amendment could be made.

- Those in favour of the proposal were asked to show their hands. The motion was carried – 7 in favour and 2 against.

RESOLVED that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

1. The proposed development for up to 165 houses is not on land identified as suitable for residential development. The application site is located outside of a defined settlement boundary, below the settlement hierarchy, and where there is a presumption against residential development. The site is not land that has been allocated for residential development. The proposed development is not for rural exception housing, to accommodate rural workers, or limited infill within a closely knit cluster of 10 or more dwellings. As such the proposed development is contrary to policy C1 of the Housing Site Allocations DPD 2006-2026 and the National Planning Policy Framework.
2. The proposed access along Pincents Lane is not suitable to serve the proposed development. At peak times the existing congestion along Pincents Lane is such that it would have an unacceptable impact on the access to and egress from the site on the proposed residents of the development and therefore on highway safety and the flow of traffic. As such the proposed development is contrary to policy CS13 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

DISTRICT PLANNING COMMITTEE - 13 APRIL 2022 - MINUTES

3. The application fails to provide an appropriate planning obligation to mitigate the impact of the development with regard to affordable housing, housing for older people, custom and self-build housing, community building, emergency vehicle access, public open space, public rights of way, sustainable travel, climate change and resilience measures. The District has a high affordable housing need and an affordability ratio above the national average as well as a high number of individuals seeking self-build plots. Public open space and upgrades to the public rights of way and increase in sustainable travel options are all required from the development, and there is a statutory duty on climate change. Without these planning obligations the proposed development conflicts with policies CS5, CS6, CS13, CS15, and CS18 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations SPD and the National Planning Policy Framework.

(The meeting commenced at 6.30pm and closed at 9.53pm)

CHAIRMAN

Date of Signature

DRAFT

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

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 10 MAY 2022

Councillors Present: Alan Law (Chairman), Graham Pask (Vice-Chairman), Phil Barnett, Dennis Benneyworth, Jeremy Cottam, Carlyne Culver, Clive Hooker, Ross Mackinnon, Alan Macro, Richard Somner and Tony Vickers

Apologies: None

PART I

1. Election of the Chairman

A Motion was proposed by Councillor Graham Pask and seconded by Councillor Ross Mackinnon that Councillor Alan Law be elected Chairman of the District Planning Committee for the 2022/2023 Municipal Year.

A Motion was proposed by Councillor Alan Macro and seconded by Councillor Jeremy Cottam that Councillor Tony Vickers be elected Chairman of the District Planning Committee for the 2022/2023 Municipal Year.

Upon voting, Councillor Alan Law received 6 votes and Councillor Tony Vickers received 5 votes.

RESOLVED that Councillor Alan Law be elected Chairman of the District Planning Committee for the 2022/2023 Municipal Year.

2. Appointment of the Vice-Chairman

The Chairman requested nominations for the position of Vice-Chairman of the District Planning Committee for the Municipal Year 2022/2023.

In response to this request Councillor Graham Pask was nominated by Councillor Alan Law and the nomination was seconded by Councillor Clive Hooker.

Also in response to this request, Councillor Phil Barnett was nominated by Councillor Tony Vickers and the nomination was seconded by Councillor Jeremy Cottam.

Upon voting, Councillor Graham Pask received 6 votes and Councillor Phil Barnett received 5 votes.

RESOLVED that Councillor Graham Pask be appointed as Vice-Chairman of the District Planning Committee for the 2022/2023 Municipal Year.

(The meeting commenced at 8.38pm and closed at 8.42pm)

CHAIRMAN

Date of Signature

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

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 25 MAY 2023

Councillors Present: Phil Barnett, Dennis Benneyworth, Patrick Clark, Heather Codling, Jeremy Cottam, Carolyne Culver, Alan Macro, Geoff Mayes, Justin Pemberton, Richard Somner and Tony Vickers

Also Present: Sarah Clarke (Monitoring Officer) and David Cook (Principal Democratic Services Officer).

Apologies for inability to attend the meeting: None received.

PART I

1. Election of the Chairman

RESOLVED that Councillor Tony Vickers be elected Chairman of the District Planning Committee for the 2023/2024 Municipal Year.

2. Election of the Vice-Chairman

RESOLVED that Councillor Richard Somner be elected Vice-Chairman of the District Planning Committee for the 2023/2024 Municipal Year.

(The meeting commenced at 8.05pm and closed at 8.06pm)

CHAIRMAN

Date of Signature

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

DISTRICT PLANNING COMMITTEE MINUTES OF THE MEETING HELD ON THURSDAY 9 MAY 2024

Councillors Present: Adrian Abbs, Phil Barnett, Martin Colston, Denise Gaines, Justin Pemberton, Richard Somner, Tony Vickers and Howard Woollaston

Apologies: Councillor Jeremy Cottam and Councillor Geoff Mayes

PART I

1. Election of the Chairman

RESOLVED that Councillor Denise Gaines be elected as Chairman for the 2024/2025 Municipal Year.

2. Appointment of the Vice-Chairman

RESOLVED that Councillor Richard Somner be appointed as Vice-Chairman for the 2024/2025 Municipal Year.

(The meeting commenced at 8.40pm and closed at 8.43pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item (1)	22/02538/FUL
Title of Report:	Site Of Former Cope Hall Skinners Green Enborne Newbury Proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.
Report to be considered by:	District Planning Committee
Date of Meeting:	11 th September 2024
Forward Plan Ref:	N/A

To view the plans and drawings relating to this application click the following link:
<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RJXXK6RD0S100>

Purpose of Report:	For the District Planning Committee to determine the planning application.
Recommended Action:	The Western Area Planning Committee resolved to grant planning permission contrary to officer recommendation.
Reason for decision to be taken:	The application has been referenced up by the Development Manager. The application, if approved, would be contrary to the provisions of the Development Plan and the guidance contained in the National Planning Policy Framework, as well as contrary to an Appeal Decision for an identical scheme on the site.
Key background documentation:	Appendix 1: Western Area Planning Committee Agenda Report 16 th July 2024 Appendix 1a: Appeal Decision for 22/01295/FULD Appendix 2: Update Report for this item at the Western Area Planning Committee 16th July 2024 Appendix 3: Printed draft minutes of the Western Area Planning Committee 16th July 2024

Key aims N/A

Portfolio Member Details	
Name & Telephone No.:	Councillor Denise Gaines
E-mail Address:	Denise.gaines1@westberks.gov.uk

Date Portfolio Member agreed report:	To be advised.
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Contact Officer Details	
Name:	Debra Inston
Job Title:	Team Manager (West)
Tel. No.:	01635 519581
E-mail Address:	Debra.inston@westberks.gov.uk

Implications

Policy:	The proposal conflicts with the NPPF, Policies ADPP1, CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1 and C3 of the Housing Site Allocations DPD 2006-2026, West Berkshire Council's Quality Design Supplementary Planning Document (2006).
Financial:	Should the application be approved and implemented it will be liable for the Community Infrastructure Levy and contributions. Should the application be approved there is also the risk of costs associated with a third-party legal challenge given the appeal inspectors clear reasons for dismissing an identical scheme in April 2023.
Personnel:	N/A
Legal/Procurement:	N/A
Property:	N/A
Risk Management:	As per the financial and policy implications outlined above.
Equalities Impact Assessment:	N/A

EXECUTIVE SUMMARY

1. INTRODUCTION

- 1.1 On 16th July 2024, the Western Area Planning Committee considered the Agenda and Update Report for this full application for the construction of a new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on the site formerly occupied by Cope Hall and associated outbuildings (all of which were demolished in the 1960's).
- 1.2 The application site is located outside of any identified settlement boundary and therefore is in open countryside for planning purposes.
- 1.3 The Officer recommendation was for refusal due to its conflict with the NPPF, Policies ADPP1, CS14, CS17 and CS19 of the West Berkshire Core Strategy

2006-2026, Policies C1 and C3 of the Housing Site Allocations DPD 2006-2026, West Berkshire Council's Quality Design Supplementary Planning Document (2006).

- 1.4 The officers also took into account the recent appeal which was dismissed for an identical scheme on the site (application 22/01295/FULD). This was dismissed at appeal on the 4th April 2023. This appeal decision is a relevant material consideration in the determination of this application, and one which attracts significant weight given that it is for substantially the same scheme. The report to the Western Area Planning Committee and the Appeal Decision referred to are attached.
- 1.5 The Western Area Planning Committee however voted to approve the application as the majority of Members were of the view that the proposed dwelling was of a high standard of design which took appropriate account of its rural surroundings. As such they were satisfied that that the design of the proposal would be of such exceptional quality to justify an exception to the Council's spatial strategy. They also acknowledged the strong support the proposal had from local residents.
- 1.6 The Development Manager under his delegated powers determined that approval of the scheme would comprise a departure from the Development Plan and would also be contrary to the Appeal Inspector's clear decision to refuse the previous identical application. For these reasons the application needs to be determined by the District Planning Committee due to its strategic implications for the implementation of the aims of the development plan across the whole District.
- 1.7 As Members will note from both the Officers' Report to the Western Area Planning Committee and the Appeal Inspector's decision to refuse the previous identical application, the adopted planning policy position both under national and local planning policies is quite clear with regards to avoiding the development of isolated dwellings in the countryside, unless in exceptional circumstances.
- 1.8 It is important to note that there has been no material change in circumstances since the Planning Inspector's decision to dismiss the previous identical proposal in April 2023.
- 1.9 Planning case law has established the "principle of consistency" in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. Often this will be based on a change in circumstance or policy.
- 1.10 Failure to have due regard to a relevant material consideration is a ground to find a decision unsound through a Judicial Review.
- 1.11 It is within the gift of the planning committee to depart from officers' recommendations and to give different or no weight to relevant appeal decisions, but there must be reasonable, rational and evidential reasons for doing so. In this instance there has been no material change in circumstances in the intervening period and no substantive evidence has been provided to the Council to rebut the Planning Inspectors findings.

- 1.12 The District Planning Committee Member's attention is drawn to paragraph 19 of the Appeal Inspector's decision which noted the lack of substantive evidence to demonstrate exceptional design quality:

"19. The Framework only permits isolated homes in the countryside in limited circumstances, one being at paragraph 80(e) where the design of the proposal is of exceptional quality. The appellant was entitled not to submit the proposal to the Council's Design Review Panel. However, little substantive evidence has been provided to demonstrate that the design of the proposal would be of exceptional quality or truly outstanding to justify an exception to the Council's spatial strategy. Furthermore, I have found that it would not be sensitive to the defining characteristics of the local area."

- 1.13 Officer's advised Members of the Western Area Planning Committee that if the applicant were to submit the scheme to an independent design review panel (which is strongly recommended for schemes trying to achieve the extremely high bar of exceptional design) and receive a positive review then this would be new substantive evidence which would be a material consideration in determining the planning application.
- 1.14 Unfortunately, the applicant declined to take the scheme to an independent design review panel following the Western Area Planning Committee.
- 1.15 Member's attention is drawn to the receipt of an objection from Lichfields planning consultants on behalf of a neighbouring property. The objection letter raises concerns that no amendments have been made or substantive new evidence supplied by the applicant to seek to overcome the reasons for the dismissed appeal i.e. character and appearance of the area (the design/siting etc of the proposal has not changed) and conflict with the Council's strategy for the distribution of development (a summary of their objections can be found in the Update Report for this item at the Western Area Planning Committee 16th July 2024).
- 1.16 Members are therefore advised that should the application be approved there is a risk of a third-party legal challenge given the appeal inspector's clear reasons for dismissing an identical scheme in April 2023, and the lack of any material change in circumstances since the appeal.

2. CONCLUSION

- 2.1 There has been no material change in circumstances in the intervening period and no substantive evidence to demonstrate that the design of the proposal would be of exceptional quality or truly outstanding to justify an exception to the Council's spatial strategy policies.
- 2.2 Should the application be approved, it would undermine National and Local Planning Policy as it would permit an isolated dwelling in the countryside which would harm the intrinsic rural character of the area. Therefore, the officer recommendation remains one of refusal.

3. RECOMMENDATION

To **DELEGATE** to the Development Manager to **REFUSE PLANNING PERMISSION** for the following reasons:

1. Principle of development

The Housing Site Allocation Development Plan Development (HSADPD) was adopted by the Council on 9th May 2017 and is part of the development plan for the District. The HSADPD sets out policies for managing housing development in the countryside. This includes policy C1, which outlines that there is a presumption against new residential development outside of the settlement boundaries and lists some exceptions to this. The proposal dwelling does not fall under one of the exceptions listed.

Policy C1 states that in settlements in the countryside with no defined settlement boundary (such as Enborne), limited infill development may be considered subject to a set criteria. It is considered that the development fails to comply with all the bullet points of Policy C1. The dwellings along this area have open spaces between the dwellings, as such the dwellings cannot be viewed as a closely knit cluster of 10 or more existing dwellings.

Policy C3 sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard has been taken on the sensitivity of the landscape to the development being proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.

The proposed new dwelling would be contrary to the National Planning Policy Framework and Policies ADPP1, CS1, CS14, CS17 and CS19 the West Berkshire Core Strategy (2006-2026), Policies C1 and C3 of the West Berkshire HSA DPD (2006-2006), and the Quality Design Supplementary Planning Document (2006).

2. Design and character of the area

The proposed development would result in the suburbanising effect on the open countryside. The introduction of a new built form which is overtly residential would result in a jarring relationship with the open countryside. The design of the development is not considered exceptional quality or innovative under the NPPF. The proposed dwelling is considered inappropriate in terms of the location, scale and design in the context of the character of the area.

The proposal scheme is contrary to the National Planning Policy Framework and Policies CS14 and CS19 of West Berkshire Councils Core Strategy 2006-2026, policy C3 of West Berkshire Councils Housing Site Allocation DPD, West Berkshire Councils Quality Design SPD.

3. **Impact on Biodiversity**

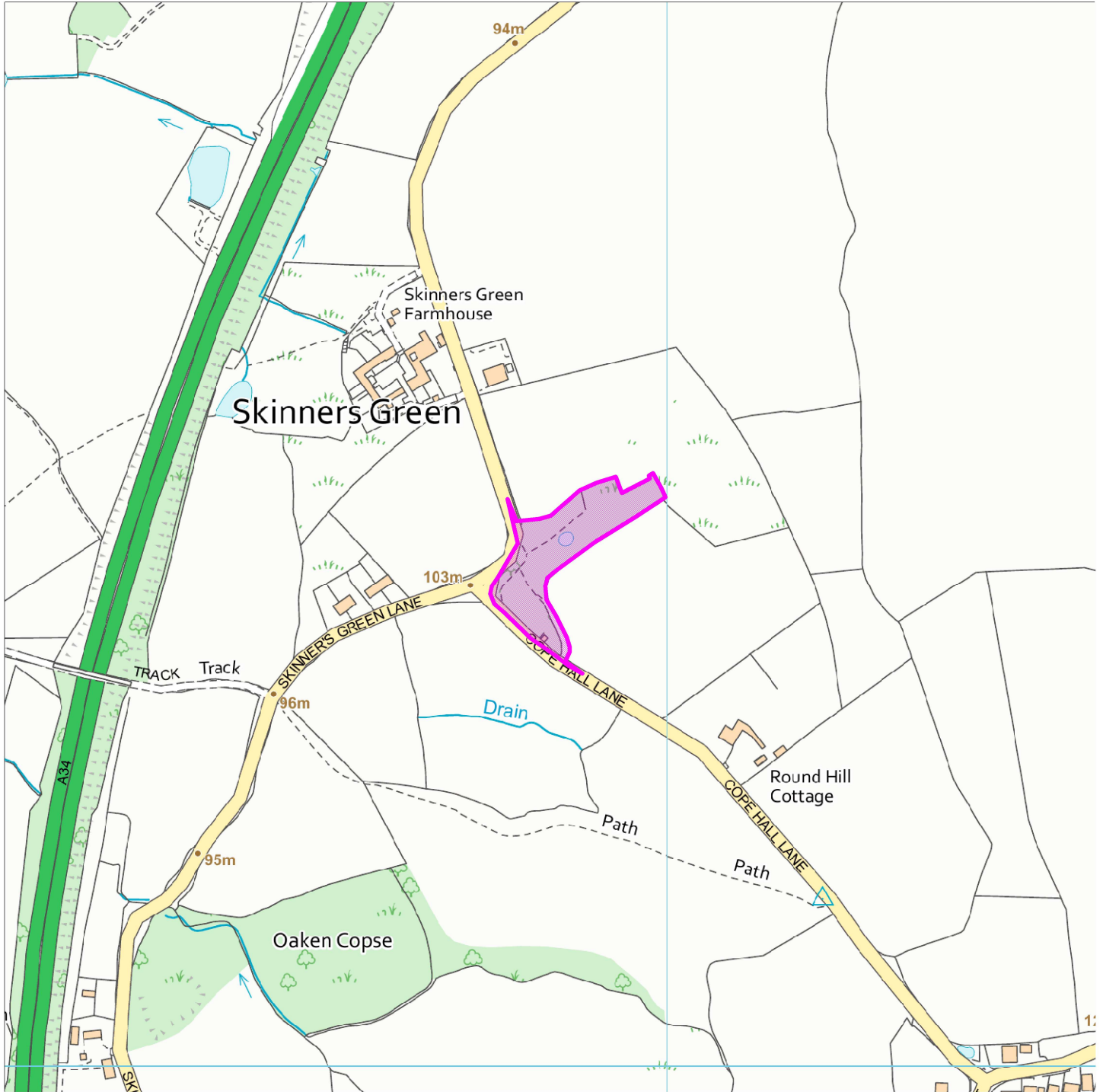
The proposed development would have significant impacts on the deciduous woodland priority habitat and the biodiversity losses that will result from the submitted application. In addition, the proposed residential use of the woodland site would result in disturbance to wildlife.

The proposed development would fail to comply with the NPPF and Policy CS17 of the WBCS and the Natural Environment and Rural Communities Act, 2006.

Appendices

1. WAP Committee Report and Appendices of 16th July 2024.
2. Update Report of WAP on 16th July 2024.
3. Printed Draft Minutes of Meeting held on 16th July 2024.

Site of Former Cope Hall, Skinners Green, Enborne



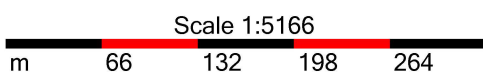
Map Centre Coordinates :

Scale : 1:5166

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	29 August 2024
SLA Number	0100024151



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Item No.	Application and Parish No.	Statutory Target Date	Proposal, Location, Applicant
(2)	22/02538/FUL Enborne Parish Council	13 th December 2022*	Proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence. Site Of Former Cope Hall Skinners Green Enborne Newbury. Mr S Woodward.
*Extension of time agreed until 19 July 2024.			

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/02538/FUL>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RJXXK6RD0S100>

Recommendation Summary:

To **DELEGATE** to the **Development Manager** to **REFUSE PLANNING PERMISSION** for the reasons set out at Section 8 of the report.

Ward Members:

Councillor Dennis Benneyworth
Councillor Denise Gaines
Councillor Tony Vickers

Reason for Committee determination:

Call in by Ward Member (Former Ward Member) due to the potential archaeological and heritage implications. The proposed development challenges policy in terms of design and impact on the surrounding area but also highlights modern approaches to eco-friendly design and build to accommodate, and be sympathetic to, the immediate surrounding environment

Committee Site Visit:

10 July 2024.

Contact Officer Details

Name: Masie Masiwa
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Masie.Masiwa@westberks.gov.uk

1. Introduction

- 1.1 This application is submitted as seeking full planning permission for the construction of a new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping.
- 1.2 The application is a resubmission of refused planning application reference: 22/01295/FULD. The refused application was subsequently dismissed at Appeal under Appeal reference: APP/W0340/W/22/3309191 on the 4th April 2023. It is important to note that this application is almost identical to the application dismissed at appeal and that it was submitted prior to the appeal decision being issued. The only differences between this application and the appeal scheme are the reduction in the size of the red site line, and the submission of additional ecological information. A copy of the Appeal decision is included at Appendix 1.
- 1.3 The proposal is for a detached 3-bedroom dwelling of modern design located on stilts with associated access, parking and landscaping works.
- 1.4 The proposal includes provision of living accommodation at first floor level to include, an open plan kitchen, dining and living room, utility room, larder, storage and WC, storage room, and three bedrooms – all with individual en-suites. The main bedroom will benefit from a terrace area. A communal terrace is also proposed and accessed adjacent to the first-floor plant room.
- 1.5 The development would utilise the existing accesses into the site from Cope Hall Lane and Skinners Green Lane. The two would be linked by a driveway with circulating space in front of the house.
- 1.6 Three car parking spaces and a turning space would be provided.
- 1.7 The application site is located on the junction of Cope Hall Lane and Skinners Green Lane in Skinners Green, a small hamlet located west of Newbury and east of the A34 in the parish of Enborne.
- 1.8 The application site is located outside the settlement boundary of Newbury therefore the site is open countryside for planning purposes. The application site was formerly occupied by Cope Hall and associated outbuildings, which were demolished in the 1960's. Therefore, the site has no development on it, however the vehicular accesses remain onto Skinners Green Lane and Cope Hall Lane. The application site is located within a registered battlefield site.
- 1.9 The application has been significantly delayed as the applicant has sought to address the Council's Ecology objection before the application could be referred to the Western Area Planning Committee. The additional Ecology Report, Biodiversity Net Gain Metric, Biodiversity Net Gain area and an amendment to the Location Plan were submitted on 12th June 2024.

2. Relevant Planning History

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

Application	Proposal	Decision / Date
22/01295/FULD	Proposed new self-build, net zero carbon	Refused / 26

	dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.	May 2022 – Dismissed at Appeal
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3. Legal and Procedural Matters

3.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore “Schedule 2 development” within the meaning of the Regulations.

3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered “EIA development” within the meaning of the Regulations. An Environmental Statement is not required.

3.3 **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 15th November 2022 and the deadline for representations expired on 06th December 2022.

3.4 **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 identifies 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
New Homes Bonus	Yes	No	3.7
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

3.5 **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).

- 3.6 The development is CIL liable and chargeable as residential development. More information is available at www.westberks.gov.uk/cil
- 3.7 **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.
- 3.8 **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.

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 **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.
- 3.10 It is acknowledged in the report that the proposal will have minimal impact on any neighbouring properties due to the separation distances involved. 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 one dwelling.

- 3.11 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.
- 3.12 **Amended Plans:** The location plan has been amended to reduce the application red line area with the rest of the site in the same ownership outlined with a blue line. The applicant has also submitted additional Biodiversity information in response to comments from the Council's Ecologist.

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.

Enborne Parish Council	No comments received
WBC Highway Authority:	No Objections
WBC Ecology Officer	Original submission: Object – impact on Priority Habitat. Additional Ecological Information: Object – the ecologist concurs with the conclusions of the original ecological officer for the following reasons: impact on Priority Habitat; light spill from first floor accommodation; the proposed garden for the dwelling will lead to more loss of woodland space and will increase disturbance through usage.
WBC Archaeology Officer	No Objection, subject to condition
WBC Tree Officer	No Objection
WBC Local Lead Flood Authority	No Objections
WBC Environmental Health	No comments received
WBC Conservation:	No comments received
Environment Agency:	No comments to make with advice response received.

Historic England:	No Objection
Natural England	No comments to make with advice response received.
Canal and River Trust	No comments to make response received.

Public representations

4.2 Representations have been received from 7 contributors:

- Objections = 1
- Support = 6

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

- site is not located within a settlement
- the site is in an isolated location.
- proposed lighting levels are not acceptable
- development would greatly enhance the neighbourhood.
- the design is in keeping with all the strategies to reduce carbon emissions.
- wildlife will be provided for by retaining the present pond and copious trees.
- developer has considered local inhabitants, flora, fauna and environment.
- development would resolve anti-social behaviour and fly tipping

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, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Housing Site Allocations Development Plan Document (HSA DPD): Policies: C1, C3, P1.
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2018)
- Planning Obligations SPD (2015)

- Conservation of Habitats and Species Regulations 2017
- West Berkshire CIL Charging Schedule
- Manual for Streets
- West Berkshire Council Landscape Character Assessment 2019
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- On-site amenity and facilities
- Highways safety
- Trees and Landscaping
- Flooding and drainage
- Biodiversity
- Sustainable construction
- Representations
- Planning Balance and Conclusion

Principle of development

6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused. It states that most development will be within or adjacent to the settlements included in the settlement hierarchy within the policy, that is related to the transport accessibility of the settlements (especially by public transport, cycling and walking), their level of services and the availability of suitable sites for development. Policy ADPP1 also states that the majority of development will take place on previously developed land.

6.3 Under the settlement hierarchy, the appeal site would fall within open countryside where only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 Policy CS1 places a presumption against new residential development outside settlement boundaries, unless the proposal falls within one of the exceptions set out in the policy. The exceptions are limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers, extension to or replacement of existing residential units and limited infill in settlements in the countryside with no defined settlement boundary. Officers consider that this proposal does not fall under one of the exceptions listed.

6.5 Policy C1 goes on to state that in settlements in the countryside with no defined settlement boundary (such as Enborne), limited infill development may be considered only where:

- it is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
- the scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built-up frontage; and
- it does not extend the existing frontage; and
- the plot size and spacing between dwellings is like adjacent properties and respects the rural character and street scene of the locality.

- 6.6 It is considered that the development fails to comply with bullet points 1, 2, 3 and 4.
- 6.7 The proposed scheme does not achieve all the above criteria; it is not within a closely knit cluster of 10 or more dwellings, it is not an infill development, the plot spacing is not similar to adjacent properties and it does extend the existing frontage into an area away from the existing built form. The dwellings along this area have smaller plots with semi-detached and detached buildings with small open spaces between them.
- 6.8 The proposed development conflicts with Policy and is therefore not an appropriate form of limited infill development within the countryside, conflicting with the Council's development plan. The development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle.
- 6.9 The applicant claims that the site is brownfield. The Local Planning Authority does not agree with this assertion as the former Cope Hall was demolished in 1960 and the site has been left to revert to a natural state over more than 60 years. Notwithstanding, the status of the site would not be relevant as there is no dwelling on the site as acknowledged by the Planning Inspector under Appeal Ref: APP/W0340/W/22/3309191 who confirmed that the proposal would not constitute limited infill development.
- 6.10 Under refused application 22/01295/FULD, and the dismissed Appeal Ref: APP/W0340/W/22/3309191, the Planning Inspector outlined at paragraphs 13 to 15 how the proposed residential development on this site is contrary to Policy C1:

“13. In accordance with these policies, HDPD Policy C1 contains a presumption against new residential development in locations outside of defined settlement boundaries, as here. However, rather than imposing a blanket restriction, it permits some development including limited infill. Amongst other things, the policy requires sites to be within a closely knit cluster of 10+ dwellings, fronting a highway. Skinners Green Farm and Cottages all front onto Skinners Green Lane, with a footpath also linking them. Together they consist of more than 10 houses, and they all share a postcode with the site.

14. Even so, the large gap between Skinners Green Farm and Skinners Green Cottages means that the pattern of development is loose knit rather than being particularly close. Furthermore, physically, the appeal site sits apart, being separated from these other dwellings by the roads and fields. Whilst a few of the other dwellings would be visible from the proposal, its distance from them and the surrounding tree coverage means that such visual linkages would be limited.

15. In respect of the other requirements of HDPD Policy C1, the proposal is for a detached dwelling on a large and irregular-shaped plot. As such, it would not be commensurate with the other dwellings locally, which are smaller, have somewhat more regular plot sizes and a more traditional character. Given its separation from the existing properties, the proposal would not form part of their built-up frontage, but this further demonstrates the weak connection with them. I have already found that the proposal would not respect the character of the locality. For these reasons, even if I were to accept the appellant's assertion that the site constitutes previously developed land, which the Council disputes, the proposal would not constitute limited infill development."

- 6.11 Policy C3 of the HSADPD also sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard will be had to the sensitivity of the landscape to the development being proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.
- 6.12 Policy CS4 Housing Type and Mix outlines that residential development will be expected to contribute to the delivery of an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. The mix on an individual site should have regard to the character of the surrounding area, the accessibility of the location and availability of existing and proposed local services, facilities and infrastructure. A three-bedroom dwelling would positively add to the housing type and mix within the area.
- 6.13 The applicant's Planning Statement makes inaccurate claims that the Council cannot demonstrate a 5-year housing land supply. The applicant states that the Council has overestimated in the preceding years with the target housing numbers missed. There is no basis to these claims by the applicant and the Council can demonstrate a sufficient 5-year housing land supply that is up to date.
- 6.14 The Council published an updated housing land supply position on 18 January 2024. However, a revised version was then published on 14 February 2024 to reflect changes made to the Planning Practice Guidance on housing land supply. The Council can demonstrate a 6 (six) years' supply of deliverable housing sites, using a five-year housing land supply against a five-year housing land requirement.
- 6.15 A new dwelling on this site which is outside of any defined settlement boundary would not be considered acceptable in terms of the principle of the development plan as it would be contrary to Policies C1 and C3 of the Housing Site Allocation DPD and Policy ADPP1 of the Core Strategy.

Design, function, character and appearance of the area

- 6.16 The site is located within a rural location, the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any, from the proposed development.
- 6.17 Core Strategy Policy CS14 states that new development must demonstrate a 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. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.

6.18 Core Strategy Policy CS19 outlines that 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 change and ensuring that the new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.19 Policy C3 of the HSADPD states that new development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character.

Exceptional Design criteria

6.20 Section 4.17 of Policy C1 states that "*There may be a special circumstance, where a new home of truly outstanding design standards, reflecting the highest standards of architecture is proposed. These will be considered on their individual merits.*"

6.21 The proposal is promoted specifically as meeting the requirements of paragraph 84 of the NPPF (2023), in that the dwelling is an exceptional design. At Paragraph 84(e) the NPPF states that the design is required to be of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

6.22 The NPPF further focuses on achieving well-designed places that when determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. In this instance the proposed design is not considered to be outstanding or innovative. The proposed dwelling does not provide high levels of sustainability given the impact of the dwelling in this location from an environmental sustainability perspective.

6.23 Under the dismissed Appeal Ref: APP/W0340/W/22/3309191, the Planning Inspector outlined at paragraphs 19 and 20 how the proposed residential development would fail to meet the "exceptional design" threshold within the NPPF:

"19. The appellant was entitled not to submit the proposal to the Council's Design Review Panel. However, little substantive evidence has been provided to demonstrate that the design of the proposal would be of exceptional quality or truly outstanding to justify an exception to the Council's spatial strategy. Furthermore, I have found that it would not be sensitive to the defining characteristics of the local area.

20. For these reasons, the proposal would conflict with the Framework, including at paragraph 80(e). Dwellings previously existed on the site, but none have done so for a considerable number of years. Local Plan policies for a replacement dwelling do not therefore apply to the proposal.”

6.24 Officers consider that the Planning Inspector’s conclusion remains a significant material consideration, as the resubmitted dwelling is identical to the one at appeal in terms of the design, features and appearance.

6.25 High quality design is not exclusive to build form but also encompasses the natural environment and how it functions. The design process adopted by the applicant indicates that in technological terms the use of passive design features including air tightness, solar gain, air source heat pumps, photovoltaic panels, battery storage, and rainwater harvesting may not be groundbreaking. In fact, these measures are now very prevalent and required as standard provision for all residential development and as part of Building control regulations. This was recognised by the Planning Inspector at paragraph 31 of the dismissed Appeal Ref: APP/W0340/W/22/3309191, in which he concludes:

“31. The proposal would be zero carbon, with a Dwelling Emission Rate of over a 100% reduction. It would also have high thermal and water efficiency, exceeding current standards. However, in light of the Government’s emphasis on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards. As such, I give limited weight to these benefits.”

6.26 It is therefore considered that the proposed design will not provide any new and innovative techniques to help others to understand such construction techniques.

6.27 The design is a simple boxed structure set on stilts which as mimicking flood area stilt home designs would not be considered groundbreaking. The architecture and distribution of the internal layout is conventional and can be considered as common with new dwellings. There is no overall design justification for the stilts design in this area given the ground area is not within a flooding zone and the fact that the undercroft will include hard surfaced and paved areas.

6.28 It is acknowledged that the chosen design concept, materials and aspects of the massing, and distribution of that massing, have been designed with a unique aesthetic resembling a modest charred timber cladding, which is also a common feature in rural buildings. However, in the Planning Inspector’s assessment of the design merits of the proposal, they concluded that whilst the use of timber boarding and a minimalist ‘light-touch’ design would reflect its woodland location, *“its large, rectangular, block-like form, together with its raised position, would harmfully contrast with the soft, unbuilt-up and rural nature of the site and its surroundings”* (paragraph 6).

6.29 The Planning Inspector also found that whilst the limited gazing to the front and side elevations had been carefully designed so that it would not appear overtly suburban, the same was not true of the rear with its extensive glazing, together with the proposed balconies on several sides of the building, which would appear overly domestic in appearance. The Planning Inspector also noted on the domesticating impact of the widened accesses, together with the re-used driveways, cars and other paraphernalia

associated with the proposal. They concluded that together, these features would detract from the current rural and largely undeveloped appearance of the site. The Case Officer fully concurs with this conclusion.

- 6.30 The applicant has failed to substantiate that the design is exceptional to outweigh the development plan policies. It is for the applicant to substantiate their submitted application, including a submission to a design panel.
- 6.31 The design of the proposed dwelling would detract from the character and openness of the area, resulting in visual harm and conflict with policies CS14, CS19, C3 and the NPPF.
- 6.32 Under the dismissed Appeal Reference: APP/W0340/W/22/3309191, the Planning Inspector outlines at paragraph 9 how the proposed dwelling would impact the character of the area from within the street scenes.:

“9. public views of the proposal and its effects would be obtainable from the Skinners Green Lane entrance to the site (viewpoint 1). Furthermore, although landscaping would help to minimise its visual effects over time, I saw that the proposal would also be publicly visible from Cope Hall Lane through the trees (viewpoint 2), at least in the short-term. Therefore, although fairly localised, the proposal would have a negative visual impact on the landscape.”

- 6.33 The addition of a dwelling on this site would be out of character with the surrounding natural and undeveloped character of the area. It would not add to the overall visual quality of the area and will significantly harm the naturalised rural character and appearance of the area. The development would not adequately conserve or enhance the area and its character and a dwelling in this location would not respond well to the local character and context. The siting of the proposed dwelling is out of keeping with character and appearance of the area and will have a detrimental impact upon its character and appearance and how it functions.

Heritage

- 6.34 The application site is located within a registered battlefield site. The site is inside the western edge of the Registered Battlefield of the First Battle of Newbury in 1643. The Conservation Officer has not provided any comments. Historic England has registered no objections. The Archaeology Officer has reviewed the submitted Heritage Statement and concluded that there are no known archaeological features within the site, and that the archaeological potential would not be high. As such no further archaeological work is required.
- 6.35 Overall and as discussed above, the proposal therefore fails to comply with Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Housing Site Allocations Development Plan Document's Policies GS1, C1 and C3

Impact on neighbouring amenity and quality of life

- 6.36 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance regarding the potential impact upon neighbouring amenity.
- 6.37 The nearest dwellings are located to the north and northwest of the site. The proposed dwelling will be located of sufficient distance from neighbouring dwellings to not cause a significant impact on neighbouring amenity.
- 6.38 Overall, the impact on neighbouring amenity from the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal accords with CS14 and the SPD on Quality Design.

On-site amenity and facilities for future occupiers

- 6.39 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 100 square metres for houses with 3 or more bedrooms. The plot will have a garden area of more than sufficient size to deliver adequate private amenity spaces.

Highway safety

- 6.40 Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.41 The planning application has been submitted with a Transport Statement (TS). It is proposed that there would be two vehicular accesses into the proposed site. The access via Skinner's Green Lane at the north-west boundary of the site would be repositioned slightly to the south of the existing access to ensure drivers are able to join the highway from a perpendicular position. The second access via Cope Hall Lane to the south of the site would be modified to accommodate courier vans. The TS has been reviewed by the Highway Officer, who raise no objections to the application.
- 6.42 Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan.

Trees and Landscaping

- 6.43 Policy CS19 of the WBCS concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Regard is given to the conservation and, where appropriate enhancement of landscape assets.
- 6.44 The Tree Officer has stated that there are several trees on site, some quite mature and exotic. The Tree Officer has indicated that the new dwelling's stilts will be within the Root Protection Areas of a significant number of mature trees. It is therefore established from the Tree Officer's assessment that there will be several tree losses on the site, however the Tree Officer considers that a Landscaping condition could be recommended and this could offset the proposed tree losses.

6.45 It is therefore considered that the proposed development would comply with the NPPF, and Policy CS19 of the WBCS.

Flooding and drainage

6.46 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.

6.47 The application site is located within Flood Zone 1, which is appropriate for new residential development.

6.48 Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

6.49 The Lead Local Flood Authority have accepted the Flood Risk Assessment and accompanying drainage strategy for the scale of development. They have indicated that there are some further details that would be required, and these could be secured by condition.

6.50 It is therefore considered that the proposed development could comply with Policy CS16 of the WBCS.

Biodiversity

6.51 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.

6.52 An Ecological and Biodiversity Assessment has been submitted and assessed by the council ecologist.

6.53 The Council's Ecologist has assessed the applicant's Ecology reports (including the amended reports, and additional information submitted from GS Ecology on 12th June 2024) and maintains their objection on the basis that the current pre-development biodiversity value of the woodland (the application site) has been significantly underestimated. The Council's Ecologist has stated that the proposed residential development is within a mixed woodland (mainly broadleaved woodland) habitat that is identified as deciduous woodland priority habitat. The Council's Ecologist has indicated that the site is within a Habitat of Principal Importance (HPI) for the purposes of the duties on all public authorities under Section 41 of the Natural Environment and Rural Communities Act, 2006.

6.54 There has been no residential use of the application site for 60 years and the woodland that now covers the site has had that length of time to become well established. The Council's Ecologist states that the proposed development would have significant impacts on the deciduous woodland priority habitat and the biodiversity

losses that will result from the submitted application. In addition, the proposed residential use of the woodland site would result in disturbance to wildlife.

- 6.55 It is therefore considered that the proposed development would not comply with Policy CS17 of the WBCS.

Sustainable construction

- 6.56 According to Core Strategy Policy CS15, major development shall achieve minimum reductions in total carbon emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development if a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable.
- 6.57 The percentage reductions in carbon emissions should be based on the estimated carbon emissions of the development after the installation of energy efficiency measures related to the residential use or equivalent method has been applied.
- 6.58 A Code for Sustainable Homes Statement has been submitted. The statement states that the dwelling will be fuelled by Low-carbon and renewables for secondary heating fuel, Wood logs and Photovoltaic array. The Code for Sustainable Homes was an environmental assessment method for rating and certifying the performance of new homes. The Code for Sustainable Homes was withdrawn by Written Ministerial Statement on 22 April 2015 and the technical requirements were replaced by new standards under Building Regulations. The Code for Sustainable Homes is therefore no longer National Policy.
- 6.59 The applicant states that the dwelling has also been designed to be of the highest standards in energy efficiency being zero carbon, achieving a Dwelling Emission Rate of over 100% reduction. The applicant's claims are contradictory as achieving 100% reduction is questionable with the use of low-carbon and renewables for secondary heating fuel, wood logs and Photovoltaic array as these are carbon emitting solutions. The development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle. The applicant's submission fails to substantiate the percentage minimum reductions in total carbon emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development.
- 6.60 It is considered that the proposed sustainability details fail to fully achieve zero carbon and no minimum reductions have been assessed and quantified. The proposed development fails to comply with the principles of Core Strategy Policy CS15.

Representations

- 6.61 Members of the public have raised representations in support of the proposed development. Many of the matters raised have been addressed within the sections of the committee report.

7. Planning Balance and Conclusion

- 7.1 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the

proposal. Officers consider that the proposal will contribute to the economic dimensions of sustainable development and will support provision of new housing. Regarding the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been fully assessed. The failure of the proposal to be in keeping with the overall form, character and layout of its surroundings is an overriding consideration as visual and environmental harm would be caused through the building's location, size and form.

- 7.2 The proposed development conflicts with Policy C1 and is therefore not an appropriate form of limited infill development within the countryside, conflicting with the Council's development plan. The development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle. The small contribution to housing stock in this unsustainable location does not outweigh the conflict with the development plan.
- 7.3 Officers consider that the development fails to sufficiently preserve and enhance the existing natural environment on the site. Officers consider that the proposal fails to make a significant contribution to the wider social dimensions of sustainable development through the loss of the visual qualities of the site and its benefits in terms of the environment. Officers therefore consider that the proposed development is not supported by the presumption in favour of sustainable development.
- 7.4 There are no other considerations such as the quality of the design or the proposed level of innovation that would outweigh the harm identified above and the development plan policies restraining residential development in the countryside.
- 7.5 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is not compliant with the development plan and is recommended to members for refusal.
- 7.6 This decision has been considered using the relevant policies related to the proposal as outlined in the report. The proposal conflicts National Planning Policy Framework and Policies ADPP1, CS1, CS14, CS17 and CS19 the West Berkshire Core Strategy (2006-2026), Policies C1 and C3 of the West Berkshire HSA DPD (2006-2006), and the Quality Design Supplementary Planning Document (2006).

8. Full Recommendation

- 8.1 To **DELEGATE** to the **Development Manager** to **REFUSE PLANNING PERMISSION** for the reasons set out at Section 8.2 of the report.

8.2

1	<p>Principle of development</p> <p>The Housing Site Allocation Development Plan Development (HSADPD) was adopted by the Council on 9th May 2017 and is part of the development plan for the District. The HSADPD sets out policies for managing housing development in the countryside. This includes policy C1, which outlines that there is a presumption</p>
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	<p>against new residential development outside of the settlement boundaries and lists some exceptions to this. The proposal dwelling does not fall under one of the exceptions listed.</p> <p>Policy C1 states that in settlements in the countryside with no defined settlement boundary (such as Enborne), limited infill development may be considered subject to a set criteria. It is considered that the development fails to comply with all the bullet points of Policy C1. The dwellings along this area have open spaces between the dwellings, as such the dwellings cannot be viewed as a closely knit cluster of 10 or more existing dwellings.</p> <p>Policy C3 sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard has been taken on the sensitivity of the landscape to the development being proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.</p> <p>The proposed new dwelling would be contrary to the National Planning Policy Framework and Policies ADPP1, CS1, CS14, CS17 and CS19 the West Berkshire Core Strategy (2006-2026), Policies C1 and C3 of the West Berkshire HSA DPD (2006-2006), and the Quality Design Supplementary Planning Document (2006).</p>
2	<p>Design and character of the area</p> <p>The proposed development would result in the suburbanising effect on the open countryside. The introduction of a new built form which is overtly residential would result in a jarring relationship with the open countryside. The design of the development is not considered exceptional quality or innovative under the NPPF. The proposed dwelling is considered inappropriate in terms of the location, scale and design in the context of the character of the area.</p> <p>The proposal scheme is contrary to the National Planning Policy Framework and Policies CS14 and CS19 of West Berkshire Councils Core Strategy 2006 -2026, policy C3 of West Berkshire Councils Housing Site Allocation DPD, West Berkshire Councils Quality Design SPD.</p>
3	<p>Impact on Biodiversity</p> <p>The proposed development would have significant impacts on the deciduous woodland priority habitat and the biodiversity losses that will result from the submitted application. In addition, the proposed residential use of the woodland site would result in disturbance to wildlife.</p> <p>The proposed development would fail to comply with the NPPF and Policy CS17 of the WBCS and the Natural Environment and Rural Communities Act, 2006.</p>

Informatives

1.	<p>Proactive</p> <p>In attempting to determine the application in a way that can foster the delivery of</p>
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	<p>sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.</p>
2.	<p>CIL</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>



Appeal Decision

Site visit made on 7 March 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th April 2023.

Appeal Ref: APP/W0340/W/22/3309191

Land of Former Cope Hall, Skinners Green, Enborne, Newbury RG14 6RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Woodward against the decision of West Berkshire District Council.
 - The application Ref 22/01295/FULD, dated 24 May 2022, was refused by notice dated 19 August 2022.
 - The development proposed is proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided amended plans showing changes to the proposed landscaping and the removal of proposed external lighting. Given the small changes involved, I consider that no party would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal and application for planning permission based on the amended plans.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area,
 - whether the proposal accords with the Council's strategy for the distribution of development, having regard to access to services and facilities, and
 - the effect of the proposal on ecology, in particular with regard to bats and dormice.

Reasons

Character and Appearance

4. The site is located at the junction of Skinners Green Lane and Cope Hall Lane. There are a handful of dwellings on these roads, including those converted from agricultural buildings at Skinners Green Farm, and others at Skinners Green Cottages and at Round Hill. However, the site is separated from these properties by fields and is surrounded by gently undulating countryside.

5. The site was once occupied by a substantial dwelling, Cope Hall, together with Cope Hall Cottage, both demolished many years ago. Parts of the boundary wall around the site still exist, as does a pond and other features associated with the Hall, such as the cellar. However, the site is overgrown and wooded, and the remains of the permanent structure of the Hall and its Cottage have now largely blended into the landscape.
6. The proposal would have a contemporary, minimalist and 'light touch' design with its single storey being elevated on columns to first floor level. It would use timber boarding, reflecting its woodland location. However, its large, rectangular, block-like form, together with its raised position, would harmfully contrast with the soft, unbuilt-up and rural nature of the site and its surroundings.
7. The glazing to the front and side elevations of the proposed building have been carefully designed so that it would not appear overtly suburban. Even so, the extensive glazing to the rear, together with the proposed balconies on several sides of the building, mean that the proposal would be residential in appearance. The widened accesses, together with the re-used driveways, cars and other paraphernalia associated with the proposal would also add to its domestic effects. Together, these features would detract from the current rural and largely undeveloped appearance of the site.
8. The appellant's Landscape and Visual Impact Assessment (LVIA) identifies that the landscape hereabouts is best reflected by the Enborne Woodland Lowland Landscape Character Area (LCA). The site and its surroundings have no particular landscape designation and are affected by the noisy and busy A34. However, they have a gently undulating landform and therefore a medium level of sensitivity. The site is at the base of a hill and, as such, the strong horizontal lines and elevated position of the proposal would not reflect the small-scale, rolling topography of the LCA's landscape, thus undermining its sensitivity.
9. From wider viewpoints identified in the LVIA, such as points A, B and C or numbers 3, 4 and 5, views of the proposal would be negligible or non-existent. However, public views of the proposal and its effects would be obtainable from the Skinners Green Lane entrance to the site (viewpoint 1). Furthermore, although landscaping would help to minimise its visual effects over time, I saw that the proposal would also be publicly visible from Cope Hall Lane through the trees (viewpoint 2), at least in the short-term. Therefore, although fairly localised, the proposal would have a negative visual impact on the landscape.
10. For the reasons given above, the proposal would harm the character and appearance of the area. As such, it would be contrary to policies CS14 and CS19 of the West Berkshire Core Strategy, adopted July 2012 (WBCS) and the Council's Supplementary Planning Document 'Quality Design – West Berkshire', adopted 2006. These require that new development respects and enhances the character and appearance of its surroundings and landscape, and is appropriate in terms of its location, scale and design.
11. The proposal would also conflict with Policy C3 of the West Berkshire Housing Site Allocation Development Plan Document (HDPD), adopted May 2017. This policy, whilst not preventing outstanding examples of modern design, requires new housing in the countryside to have regard to landscape and local building character. The proposal would also conflict with the similar requirements of the

National Planning Policy Framework (the Framework). As such, I give this conflict significant weight.

Distribution of Development

12. WBCS Policy CS1 seeks to provide for at least 10,500 net additional dwellings to 2026, with new homes being primarily developed on land within settlement boundaries or on allocated sites. WBCS Policy ADPP1 requires that development will be permitted within or adjacent to specific settlements identified in relation to their transport accessibility, including Newbury, and that only appropriate limited development will be allowed in the countryside.
13. In accordance with these policies, HDPD Policy C1 contains a presumption against new residential development in locations outside of defined settlement boundaries, as here. However, rather than imposing a blanket restriction, it permits some development including limited infill. Amongst other things, the policy requires sites to be within a closely knit cluster of 10+ dwellings, fronting a highway. Skinners Green Farm and Cottages all front onto Skinners Green Lane, with a footpath also linking them. Together they consist of more than 10 houses, and they all share a postcode with the site.
14. Even so, the large gap between Skinners Green Farm and Skinners Green Cottages means that the pattern of development is loose knit rather than being particularly close. Furthermore, physically, the appeal site sits apart, being separated from these other dwellings by the roads and fields. Whilst a few of the other dwellings would be visible from the proposal, its distance from them and the surrounding tree coverage means that such visual linkages would be limited.
15. In respect of the other requirements of HDPD Policy C1, the proposal is for a detached dwelling on a large and irregular-shaped plot. As such, it would not be commensurate with the other dwellings locally, which are smaller, have somewhat more regular plot sizes and a more traditional character. Given its separation from the existing properties, the proposal would not form part of their built-up frontage, but this further demonstrates the weak connection with them. I have already found that the proposal would not respect the character of the locality. For these reasons, even if I were to accept the appellant's assertion that the site constitutes previously developed land, which the Council disputes, the proposal would not constitute limited infill development.
16. The Framework seeks to generally avoid isolated dwellings in the countryside. In terms of whether the site is 'isolated', Cope Hall Lane leads to Wash Common, on the outskirts of Newbury. The Lane provides access to facilities including bus stops, a local centre, a supermarket and schools. The Lane is lightly trafficked with low speeds and is often used by walkers and cyclists, being recognised by the Council as a Recreational Route.
17. However, the site is separated from Wash Common by open countryside. Furthermore, Cope Hall Lane is unlit, narrow and has no pedestrian footway, so it would not be an attractive means of travel at night, in inclement weather, or for those with limited mobility. Mindful of the Braintree court decision¹, I find that the site is physically separate and remote from a settlement, and so the proposal would be isolated.

¹ Braintree DC v SSCLG [2018] EWCA Civ. 610

18. As such, future occupiers of the proposal would be likely to use private vehicles to access most services and facilities, as would visitors and deliveries. Furthermore, census data shows that most residents locally travelled to work in a car or van. The location of the proposal would not contribute to a cumulative reduction in harmful greenhouse gas emissions, or to an improvement in air quality or public health, and so would ultimately cause environmental harm.
19. The Framework only permits isolated homes in the countryside in limited circumstances, one being at paragraph 80(e) where the design of the proposal is of exceptional quality. The appellant was entitled not to submit the proposal to the Council's Design Review Panel. However, little substantive evidence has been provided to demonstrate that the design of the proposal would be of exceptional quality or truly outstanding to justify an exception to the Council's spatial strategy. Furthermore, I have found that it would not be sensitive to the defining characteristics of the local area.
20. For these reasons, the proposal would conflict with the Framework, including at paragraph 80(e). Dwellings previously existed on the site, but none have done so for a considerable number of years. Local Plan policies for a replacement dwelling do not therefore apply to the proposal.
21. For the reasons given above, the proposal would not accord with the Council's strategy for the distribution of development, having regard to access to services and facilities. It would therefore be contrary to WBCS policies ADPP1 and CS1, and HDPD Policy C1. For the reasons already identified, the proposal would also conflict with the Framework. As such, I give this conflict significant weight.

Ecology

22. The proposal considered by the Council included external bollard and undercroft lighting. The Council were concerned that this lighting could affect the commuting and feeding of bats and other nocturnal fauna. As noted above, this external lighting has now been removed from the scheme.
23. Establishing a dwelling in the rural location of the site means that some external lighting is always likely to be necessary for safe access at night. The appellant and their ecologist refer to the provision of sensor lighting, that would not necessarily affect bats or other species. The Council does not comment on this, and I see no reason why the provision and use of such lighting could not be controlled by way of a planning condition to ensure that the interests of bats and other species would not be harmed.
24. The appellant has provided an Ecological Appraisal with further survey information regarding dormice. This found no evidence of dormouse activity. In light of this evidence, which the Council does not dispute, this part of the third reason for refusal has been overcome. The proposal would also result in minor ecological enhancements, including boxes for bats and birds, and from on-site arboricultural care.
25. For the reasons given above, the proposal would have an acceptable effect on ecology, in particular with regard to bats and dormice. As such, it would comply with WBCS Policy CS17, which requires the conservation and enhancement of biodiversity assets. It would also comply with the similar advice in the

Framework. As such, I give this issue limited positive weight in favour of the proposal.

Other Considerations

26. Having regard to Framework paragraph 11(d), the appellant questions whether the Council can demonstrate a five-year supply of deliverable housing sites, considering the Council's projected delivery compared to previous years, and current economic and environmental constraints on housing supply. The Council maintains that it has a housing supply that exceeds five years.
27. However, even if there is such a shortfall, and by consequence the most important policies for determining the proposal should be considered out-of-date, the proposal is for only one dwelling. As such, it would make little additional contribution to the supply of housing in the District. Similarly, as a self-build dwelling, it would only make a small contribution to any shortfall of these types of property. I therefore give these benefits only limited weight.
28. Skinners Green Farm and its barns are 19th century brick-built structures, identified as a non-designated heritage asset². Their significance derives from their archaeological, architectural, and historic interest. I have already found that visual linkages of the proposal to the asset would be limited. Therefore, whilst the asset would not be harmed by the proposal, reinstating the historic residential use of the site and its entrances would be of little benefit to the asset, to which I give limited weight.
29. Part of the site lies within a Registered Battlefield and an Area of Higher Archaeological Potential. It is common ground that no harm would be caused to these or any other heritage assets by the proposal. Although a dwelling may have been at the site for most of the time since the 1st Battle of Newbury in 1643, this provides little positive reason to erect a dwelling at the site now.
30. However, the proposal would result in a reduction in anti-social behaviour and vandalism at the site, which would be a small benefit to which I give limited weight. The proposal would similarly make a small but positive economic contribution to the area during construction, as would its occupants, both socially and economically, to which I also give limited weight. I have already found that the ecological benefits similarly carry limited weight.
31. The proposal would be zero carbon, with a Dwelling Emission Rate of over a 100% reduction. It would also have high thermal and water efficiency, exceeding current standards. However, in light of the Government's emphasis on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards. As such, I give limited weight to these benefits.

Planning Balance and Conclusion

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.

² West Berkshire Historic Environment Record monument number MWB17369

33. I have identified harm to the character and appearance of the area and conflict with the Council's strategy for the distribution of development having regard to access to services and facilities. Weighed against the cumulative advantages of the proposal, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
34. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

**WESTERN AREA PLANNING COMMITTEE
16TH JULY 2024 2:00 PM**

UPDATE REPORT

Item No: 2 **Application No:** 22/02538/FUL **Page No.** 23-48

Site: Site Of Former Cope Hall Skinners Green Enborne Newbury

1. Registered Speakers

Please refer to List of Speakers provided under separate cover.

2. Further Representations

A letter of objection has been received from Lichfields on behalf of a neighbouring property.

Summary of objections:

- Application is largely the same as the application recently dismissed appeal – this is an important material consideration
- Beyond ecological matters, no amendments have been made by the applicant to seek to overcome the reasons for the dismissed appeal i.e. character and appearance of the area (the design/siting etc of the proposal has not changed) and conflict with the Council’s strategy for the distribution of development.
- The adopted development plan remains unchanged.
- Principle of development contrary to Policy C1
- Site is not brownfield
- Harm to character of area - No new information/amended designs have been submitted to overcome the Inspector’s concerns about the proposals impact on the character of the area.
- Planning Inspector did not consider the design innovative as it is not unusual for new dwellings to be designed to high environmental standard.
- Harm to biodiversity

3. Archaeology

No objections subject to a condition requiring the submission of a Stage 1 written scheme of investigation (WSI) for a programme of archaeological work. If heritage assets of archaeological interest are identified by Stage 1, then for those parts of the site which have archaeological interest a Stage 2 WSI should be submitted to and approved by the local planning authority.

Summary of comments:

The archaeological officer has assessed the application and the four separate historic reports that were submitted with the application, three of which relate to previous appraisals and investigations at the site. A 2022 Desk-based assessment (DBA) collates information from the previous work and brings this up to date. Both the archaeological officer and Historic England do not feel that a new property within the woodland will interfere with the legibility of

the landscape or the understanding of the Civil War conflict. Therefore, there is no I do not have any in principle archaeological objection to the site having some development on it, but further fieldwork will be needed, as the 2022 Desk-based Assessment acknowledges.

4. Updated Recommendation

The recommendation remains as set out in the agenda committee report.

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 TUESDAY, 16 JULY 2024

Councillors Present: Phil Barnett (Chairman), Antony Amirtharaj, Paul Dick, Nigel Foot, Tony Vickers and Howard Woollaston

Also Present: Sharon Armour (Legal Services Manager), Sian Cutts (Senior Planning Officer), Bob Dray (Development Manager), Paul Goddard (Team Leader - Highways Development Control), Emma Howard (Trainee Solicitor), Hannah Hutchison (Trainee Solicitor), Debra Inston (Team Leader), Isabel Oettinger (Planning Officer), Gordon Oliver (Principal Policy Officer (Scrutiny & Dem Services)) and Thomas Radbourne

Apologies for inability to attend the meeting: Councillor Clive Hooker, Councillor Adrian Abbs and Councillor Denise Gaines

PART I

1. Declarations of Interest

Councillor Tony Vickers declared an interest in Agenda Items 3(1), 3(2), 3(3) and 3(4) by virtue of the fact that he was a Ward Member for all of these applications. While he had not personally called all of them in, he did consider that they would merit consideration at Committee. However, he indicated that that he had an open mind on each of the applications. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Vickers also declared an interest in Agenda Items 3(1), 3(3) and 3(4) by virtue of the fact that he was the Council's representative on the North Wessex Downs Council of Partners. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Phil Barnett, Tony Vickers and Howard Woollaston declared an interest in Agenda Item 3(3) by virtue of the fact that they knew former Councillor James Cole who was the applicant's father-in-law. However, this would not affect their decision. As their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Nigel Foot declared an interest in Agenda Item 3(4) by virtue of the fact that he was the Council's Heritage Champion. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Howard Woollaston declared an interest in Agenda Item 3(4) by virtue of the fact that the applicants agent had undertaken some work for him around 6-7 years previously. However, he indicated that this would not affect his decision. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

2. Schedule of Planning Applications

(1) Application No. and Parish: 23/01492/FUL - Land approximately 400 metres west of Dark Lane and South Of Denford Lane, Upper Denford

1. The Committee considered a report (Agenda Item 3(1)) concerning Planning Application 23/01492/FUL Erection of equestrian workers dwelling; with associated parking, turning, landscaping, private amenity space and access in respect of Land approximately 400 metres west of Dark Lane and South of Denford Lane, Upper Denford
2. Ms Isabel Oettinger (Planning Officer – Development Control) introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Mr Jerry Keates and Ms Stella Coulthurst, Town Council Representatives, and Mr Mark Pettitt and Mr Richard Evans, applicant/agent, addressed the Committee on this application.

Parish/Town Council Representation

4. Mr Keates and Ms Coulthurst addressed the Committee – their representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

Member Questions to the Parish/Town Council

5. Members did not have any questions of clarification.

Applicant/Agent Representation

6. Mr Pettit addressed the Committee – his representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

Member Questions to the Applicant/Agent

7. Members asked a number of questions of clarification and were given the following response:
 - This had been a separate planning application from the main house due to the growing concern and need for the extra land, to reduce journeys from the main estate. The quality of the brood mares had increased and necessitated an on-site presence
 - The safety and welfare of the horses until the completion of the house would be maintained by frequent journeys from the main estate to the horses.
 - Security was provided through CCTV on the main estate, but an on-site presence would be more effective, as well as the completion of the North Lodge.

WESTERN AREA PLANNING COMMITTEE - 16 JULY 2024 - MINUTES

- Offsite accommodation had not been considered as the accommodation needed to be within sight and sound of the brood mares, the location of the accommodation had been chosen to satisfy that criterion.
- The accommodation would be used by an existing member of staff.

Ward Member Representations

8. Councillors Tony Vickers addressed the Committee. His representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](#)

9. Councillor Dennis Benneyworth addressed the Committee. His representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](#)

Member Questions to the Ward Members

10. Members asked a question of clarification and were given the following response:

- CCTV was not considered to be a viable alternative to an on-site presence - an onsite presence would allow a better understanding of the horses' welfare and security.

Member Questions to Officers

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

- The occupancy condition would apply for the lifetime of the building and the building was tied to the equine business. Anyone living in the building would have to work for the business - it would not allow for the occupier to retire and maintain occupancy or for their family to remain there if the employee died.
- Officers have assessed the information provided. Additional evidence had been submitted in response to queries about the business and Officers were satisfied the business was viable in the long-term.
- Alternative, off-site accommodation within the settlement area had been assessed, but there had been issues with visibility across parts of the site.

Debate

12. Councillor Howard Woollaston opened the debate by highlighting that members with equine knowledge were in support of the application. He indicated that he was supportive of the application.

13. Councillor Anthony Amirtharaj agreed that West Berkshire had a proud heritage related to the equine and horse racing sector and benefited from the associated employment. He noted that previous applications had recommended accommodation near to the animals. He indicated that he was minded to support the application.

14. Councillor Paul Dick noted that any relative weaknesses in the application had been explored, and he was satisfied by the evidence provided by the applicants and Councillor Benneyworth. He indicated that he was supportive of the application.

15. Councillor Tony Vickers had been reassured by Councillor Benneyworth. He suggested that a formal diversion order should be considered for the public right of way to minimise risks to the horses and members of the public.

16. Councillor Nigel Foot noted that the proposed dwelling looked like a gate house lodge for a stately home. He also highlighted the views of the applicant in relation to the

WESTERN AREA PLANNING COMMITTEE - 16 JULY 2024 - MINUTES

welfare and value of the animals, and he noted the employment aspects of the proposal. He indicated that he was minded to support the application.

17. Councillor Antony Amirtharaj proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Howard Woollaston. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to conditions listed in the main report and the update report.

(2) Application No. and Parish: 22/02538/FUL - Site of Former Cope Hall, Skinners Green, Enborne

1. The Committee considered a report (Agenda Item 3(2)) concerning Planning Application 22/02538/FUL in respect of the proposed new self-build, net zero carbon dwelling, improvement of 2 no. existing accesses and associated landscaping on the site of the former Cope Hall residence, Skinners Green, Enborne, Newbury.
2. Ms Debra Inston 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 unsatisfactory in planning terms and Officers recommended that Development Manager be authorised to refuse planning permission for the reasons listed in the main and update reports.
3. In accordance with the Council's Constitution, Mr Peter Wilding, supporter, and Mr Giles Sutton, Mr Steve Woodward and Mr Richard Rowntree, applicant/agents, addressed the Committee on this application.

Supporter Representation

4. Mr Wilding addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

Member Questions to the Supporter

5. Members asked a question of clarification and were given the following response:
 - Mr Wilding indicated that he lived in one of a number of converted farm buildings at Skinners Green Farm. The site had been derelict, but was now a wonderful place, and the owners had invested in improving their properties, including several extensions. The former Cope Hall site was an eyesore and the current proposal was what residents wanted to see. There had been several letters of support and no objections from Skinners Green residents. He urged the Committee to go against the Officer's recommendation and approve the application.

Applicant/Agent Representation

6. Mr Sutton, Mr Woodward and Mr Rowntree addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

Member Questions to the Applicant/Agent

7. Members asked questions of clarification and were given the following responses:
 - The woodland did not have priority habitat status. Officers' comments were based on the site being shown on Natural England's map, which was incorrect.

WESTERN AREA PLANNING COMMITTEE - 16 JULY 2024 - MINUTES

- Assessment of design was inherently subjective, and decisions were often overturned at appeal. In relation to the character and appearance of the setting, the Planning Inspector who had considered the previous appeal was not a landscape specialist and had not followed the same guidance as the landscape architect for the current application. Instead, he had given his opinion on the matter. However, it was felt that he had misrepresented the topography of the site. Although the landscape architect had conceded that the site was not concealed from every angle, it was mostly disguised, with a restricted view from Skinners Green Farm. Additional planting and woodland management would provide an overall benefit.
- The proposed surface would be completely permeable and soakaway testing had been carried out. Hardstanding was only required 5m back from the highway. Soil disturbance would be minimal with a no-dig system proposed to protect tree roots. There was also a drainage ditch on the other side of Skinners Green where the package treatment plant could discharge to.
- The applicant had no objections if the Committee wished to make the Cope Hall Lane access for pedestrians/ cyclists only.

Ward Member Representation

8. Councillor Tony Vickers addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

Member Questions to the Ward Member

9. Members asked a question of clarification and were given the following response:
- Paragraph 84 of the National Planning Policy Framework (NPPF) indicated that an outstanding design should help raise the standard of design more generally. Councillor Vickers felt that this application passed this test. There were few buildings by commercial developers that came close to achieving net zero carbon standard. It went beyond what policies demanded and it should be cherished.

Member Questions to Officers

10. Members asked questions of clarification and were given the following responses:
- Some of the claims about the environmental performance of the proposal were not fully substantiated, but if the application was to be approved, conditions could be added to ensure that the net zero standard was achieved. The appeal inspector had felt that the technologies proposed weren't groundbreaking and were no more than what would normally be expected for new dwellings under current building regulations.
 - There were clear policy reasons to reject the proposal, which were borne out by the appeal decision. If Members were minded to take a different view to the appeal inspector, then the application would need to be referred to District Planning Committee.
 - The appeal inspector had noted the lack of substantive evidence to demonstrate exceptional design quality. If Members approved the application, they may wish to consider having the application assessed by an independent design review panel. This was neither a policy nor statutory requirement, but it was strongly recommended when seeking to justify proposals on the grounds of exceptional

WESTERN AREA PLANNING COMMITTEE - 16 JULY 2024 - MINUTES

design quality. The panel would include individuals with knowledge of the local area.

- Officers were unsure if either the Council's previous or current Ecologist had visited the site.
- If the Committee was minded to go against the Officer's recommendation when there was a clear appeal decision on the matter, then the decision would be open to third party challenge.
- In the event that the Committee approved the application and referred the matter up to District Planning Committee, it was recommended to allow time for the applicant to take the scheme to an independent design review panel, since this would be a material consideration.
- Although removal of vehicular access on Cope Hall Lane would be considered advantageous, Members had to consider the application before them. It was stressed that both accesses complied with all relevant highway standards.

Debate

11. Councillor Tony Vickers opened the debate. He felt that Members did not support the Officer's recommendation and he thought the design deserved to be given the go ahead. If the design review panel supported the proposal, then officers may change their recommendation, so there may be no need to refer the matter to District Planning Committee. Therefore, he suggested that this Committee should consider what conditions might be required.
12. Councillor Anthony Amirtharaj appreciated that this site needed special treatment. He felt that the applicant's design had taken appropriate account of the surroundings. He noted that local residents supported it and suggested that it met the requirements of NPPF paragraph 84. He indicated that he supported the application.
13. Councillor Paul Dick expressed unease at setting aside the Officer's recommendation, but he had found the speakers' presentations compelling. In the absence of serious concerns about the Council being open to challenge, he felt that he should look after the needs of local residents, and indicated that he was supportive of the proposal.
14. Councillor Howard Woollaston indicated that he had initially been minded to support the Officer's recommendation, but he had changed his mind on the basis of the speakers' presentations.
15. Councillor Vickers suggested that conditions should address archaeology, minimising ground disturbance, ecology, and drainage. He noted that the woodland had been poorly managed and suggested that the pond could contribute to biodiversity net gain. He also reiterated that further evidence would be required in relation to achievement of net zero standards.
16. Ms Inston recommended delegating the wording of conditions to officers, including pre-commencement conditions for archaeology and ecology, materials, and the environmental credentials of the building. It was agreed that Ward Members would be consulted on the conditions. She confirmed that if Members voted to approve the application, the developer would be allowed to take the proposal to a Design Review Panel prior to taking it to District Planning Committee.
17. Mr Goddard requested conditions related to sight lines, access, parking, electric vehicle charging points, and cycle storage. It was confirmed that the Committee had to consider the existing plans with the two vehicular accesses.

WESTERN AREA PLANNING COMMITTEE - 16 JULY 2024 - MINUTES

18. Councillor Paul Dick proposed to reject the Officer's recommendation and grant planning permission, delegating authority to Officers to agree any necessary conditions. This was seconded by Councillor Howard Woollaston. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to conditions to be agreed by Officers.

(3) Application No. and Parish: 23/02586/FUL - land adjacent to 123 Strongrove Hill, Hungerford

19. The Committee considered a report (Agenda Item 3(3)) concerning Planning Application 23/02586/FUL in respect of land adjacent to 123 Strongrove Hill, Hungerford.
20. Ms Sian Cutts (Senior Planning Officer) introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory in planning terms and the Officer recommendation was for the Development Manager be authorised to refuse planning permission.
21. In accordance with the Council's Constitution, Ms Stella Coulthurst and Mr James Cole, town council representatives, Mr Simon Smith, objector, and Mr Brian Withers, agent, addressed the Committee on this application.
22. Due to an administrative error, Ms Kamini Conning, supporter, had not been added to the published list of speakers for this item, despite having registered to speak by the deadline. Members resolved to suspend Standing Orders to also allow Ms Conning to speak, and to resume Standing Orders after she had made her representation and answered Members' questions.

Town Council Representation

23. Ms Coulthurst and Mr Cole addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](#)

Member Questions to the Parish/Town Council

24. Members did not have any questions of clarification.

Objector Representation

25. Mr Smith address the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](#)

Member Questions to the Objector

26. Members did not have any questions of clarification.

Supporter Representation

27. Ms Conning addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](#)

Member Questions to the Supporter

28. Members did not have any questions of clarification.

Applicant/Agent Representation

29. Mr Withers addressed the Committee. The full representation can be viewed here:

WESTERN AREA PLANNING COMMITTEE - 16 JULY 2024 - MINUTES

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](#)

Member Questions to the Applicant/Agent

30. Members did not have any questions of clarification.

Ward Member Representation

31. Councillor Tony Vickers addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](#)

Member Questions to the Ward Member

32. Members did not have any questions of clarification.

Member Questions to Officers

33. Members did not have any questions of clarification.

Debate

34. Councillor Anthony Amirtharaj opened the debate by stating that the developments should be looked at from the West Berkshire perspective, rather than against national standards. He noted that the proposal would create a new home which was sustainable and would, as far as possible, achieve Net Zero Emissions. He felt that the Council should encourage this type of family dwellings on brownfield sites. Councillor Amirtharaj indicated that he was in favour of rejecting the Officer's recommendation and granting consent for the planning application.

35. Councillor Paul Dick noted the sustainability aspects of the proposal, but he felt that the application had not provided sufficient evidence to show that it should be considered as an exception to planning policies. He indicated that he was minded to support the Officer's recommendation for refusal.

36. Councillor Tony Vickers agreed with Councillor Dick, but noted self-builds often did not have qualified architects behind them. He felt that the Committee should encourage self-builds, and self-sufficiency. He noted that the proposed site was close to the settlement boundary, and that most local residents were in favour of it. He felt that great weight should be given to these points.

37. Councillor Vickers proposed to reject Officer's recommendation and grant planning permission subject to the conditions to be agreed by Officers, for the following reasons: the application included a range of measures designed to achieve a low carbon footprint and a highly sustainable building; the applicant had provided sufficient information for the Committee to make this judgment. This was seconded by Councillor Amirtharaj.

38. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Anthony Amirtharaj to grant planning permission. At the vote the motion was rejected.

39. Councillor Paul Dick proposed to accept Officer's recommendation and refuse planning permission for the reasons listed in the main report and update report. This was seconded by Councillor Nigel Foot. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to refuse planning permission.

(4) Application No. and Parish: 23/02591/HOUSE & 23/02592/LBC - Little Hidden Farm, Wantage Road, Newtown, Hungerford

WESTERN AREA PLANNING COMMITTEE - 16 JULY 2024 - MINUTES

The Chairman left the meeting. Councillor Tony Vickers proposed that Councillor Howard Woollaston be elected as Chairman for the remainder of the meeting. This was seconded by Councillor Paul Dick. At the vote, the Motion was carried.

(Councillor Howard Woollaston in the Chair.)

40. The Committee considered a report (Agenda Item 3(4)) concerning Planning Application 23/002591/HOUSE and 23/02592/LBC in respect of a two storey rear extension, new bathroom in existing roof space and replacement roof coverings at Little Hidden Farm, Wantage Road, Newtown, Hungerford.

41. Ms Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory in planning terms and officers recommended that the Development Manager be authorised to refuse planning permission for the reasons listed in the main and update reports.

42. In accordance with the Council's Constitution, Mr James Cole and Mr Jerry Keates, town council representatives, and Mr James Acworth and Ms Marianne Smith, applicant/agent, addressed the Committee on this application.

Town Council Representation

43. Mr Cole and Mr Keates addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

Member Questions to the Parish/Town Council

44. Members did not have any questions of clarification.

Applicant/Agent Representation

45. Mr Acworth and Ms Smith addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

Member Questions to the Applicant/Agent

46. Members did not have any questions of clarification.

Ward Member Representation

47. Councillor Tony Vickers addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

Member Questions to the Ward Member

48. Members did not have any questions of clarification.

Member Questions to Officers

49. Members did not have any questions of clarification.

Debate

50. Councillor Nigel Foot opened the debate. He understood why Officers had recommended refusal in order to protect the building. However, the Town Council and Ward Member representations had set out the benefits of the proposal in terms of keeping the family together and reducing social care costs, as well as the benefits for the local community. He hoped the farm could remain in the ownership of the

WESTERN AREA PLANNING COMMITTEE - 16 JULY 2024 - MINUTES

Acworth family. He noted that there had previous been some unattractive additions to the farmhouse, but the proposed development would not detract from its appearance. He proposed to reject the Officer’s recommendation and grant planning permission and listed building consent.

- 51. Councillor Anthony Amirtharaj felt it would be an irony that if the Officer’s recommendation was accepted then the building may fall into disrepair and be lost. The representations had highlighted the importance of considering the needs of the owner’s family. He considered the conservation aspects to be less important. Also, he did not see that the proposal would be detrimental to the heritage asset. He seconded Councillor Foot’s proposal.
- 52. Councillor Paul Dick sympathised with the applicant’s family circumstances, but asked how much weight should be given to this when making a planning decision, since the benefits were mostly for the applicant’s family rather than the wider public. Officers had indicated that the house could have an extension, but had suggested that this was not the right solution.
- 53. Officers confirmed that the proposal largely offered private benefits in allowing the family to stay together, but if Members wished to do so, they could give weight to the economic benefits of sustaining a rural enterprise.
- 54. Councillor Tony Vickers suggested that the building would not fall into disrepair, since it would be likely to find new owners who would care for it. However, he doubted whether new owners would care for the rest of the site in the same way. He felt that the business was at risk if the current owners could not remain in the property. This was where the public benefits lay, and he felt that they should be given substantial weight. The applicant had confirmed that the business was only viable if they could continue to live in their property. He suggested that there were significant public benefits that were in accordance with the Council’s policies.
- 55. It was suggested that if Members voted to go against Officer’s recommendation, then conditions associated with the planning permission and listed building consent should be delegated to Officers.
- 56. The Chairman invited Members of the Committee to vote on the proposal by Councillor Nigel Foot, seconded by Councillor Anthony Amirtharaj to grant planning permission subject to conditions to be agreed by Officers. At the vote the motion was carried.
- 57. The Chairman invited Members of the Committee to vote on the proposal by Councillor Nigel Foot, seconded by Councillor Anthony Amirtharaj to grant listed building consent subject to conditions to be agreed by Officers. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission and listed building consent subject to the conditions to be agreed by Officer.

(The meeting commenced at 2.00 pm and closed at 6.10 pm)

CHAIRMAN

Date of Signature

Plans and drawings relevant to reports submitted to District Planning Committee

Wednesday 11th September 2024 at 6.30pm

**At Council Chamber, Council Offices, Market Street,
Newbury, RG14 5LD**

&

And via Zoom

[to be read in conjunction with the main agenda]

Please note:

- *All drawings are copied at A4 and consequently are not scalable*
- *Most relevant plans have been included – however, in some cases, it may be necessary for the case officer to make a selection*
- *All drawings are available to view at www.westberks.gov.uk*



22/02538/FUL

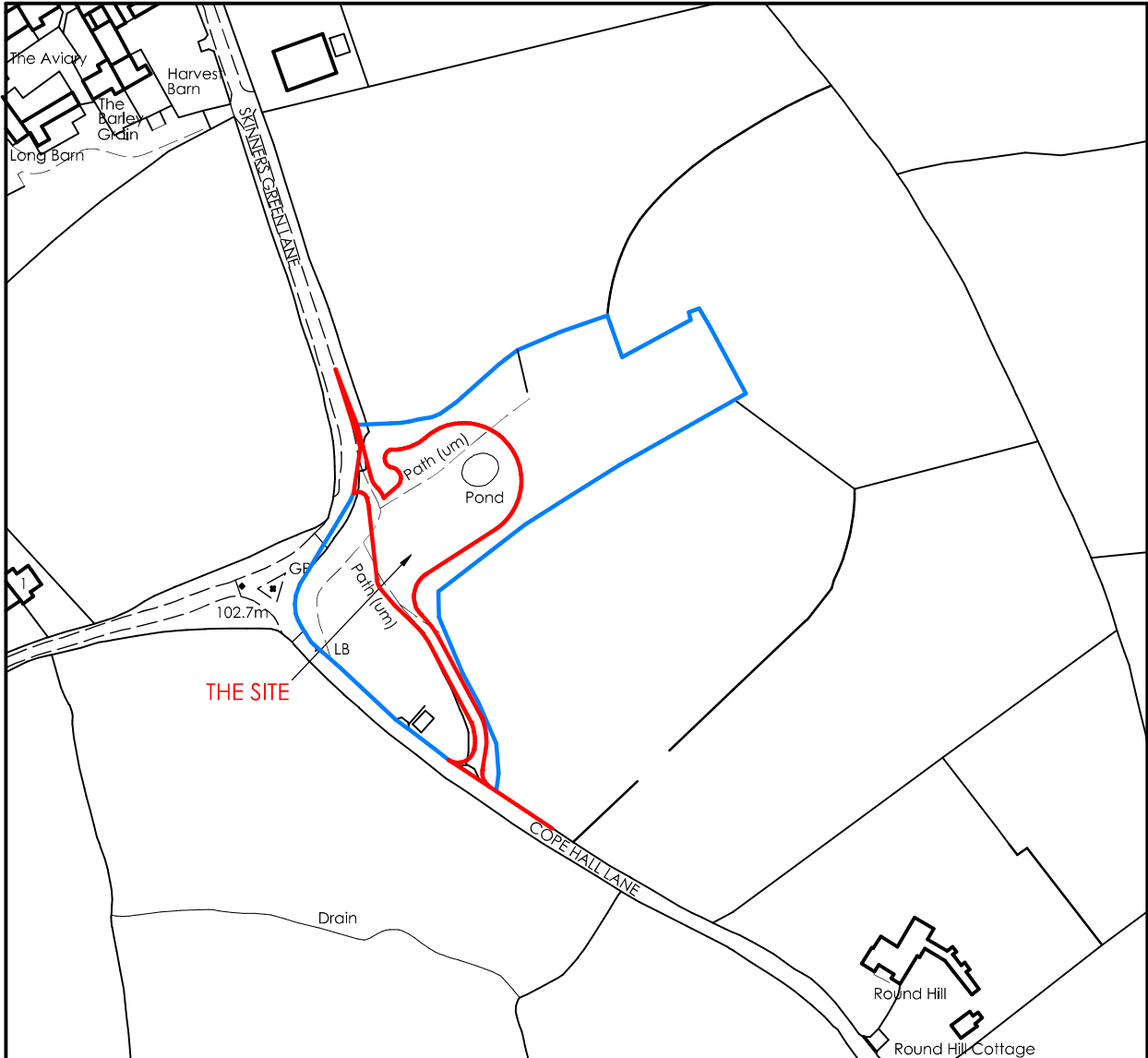
Site Of Former Cope Hall
Skinners Green
Enborne
Newbury

NOTES

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2. Any discrepancies are to be reported to the architect.

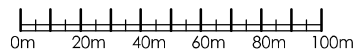
3. This drawing is copyright.



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Location Plan

1:2500



Site Address: -
Cope Hall,
Skinners Green,
Newbury,
West Berkshire,

Della Valle
architects

Lake View • Charlton Estate
Shepton Mallet • Somerset • BA4 5QE
T 01749 330672 • F 01749 330672
E mail@dellavallearchitects.co.uk
Designer • Project Manager • Chartered Architect

Client • Mr S Woodward
Job • Proposed New Dwelling on land of former Cope Hall, Skinners Green, Newbury, West Berkshire
Title • Location Plan

Scale • 1:2500 @A4
Date • May 2021
Drawn • RSR

Rev a: red/blue line defined to show residential curtilage area - 17.01.2024

Drg No: **F1631 / LOCa**

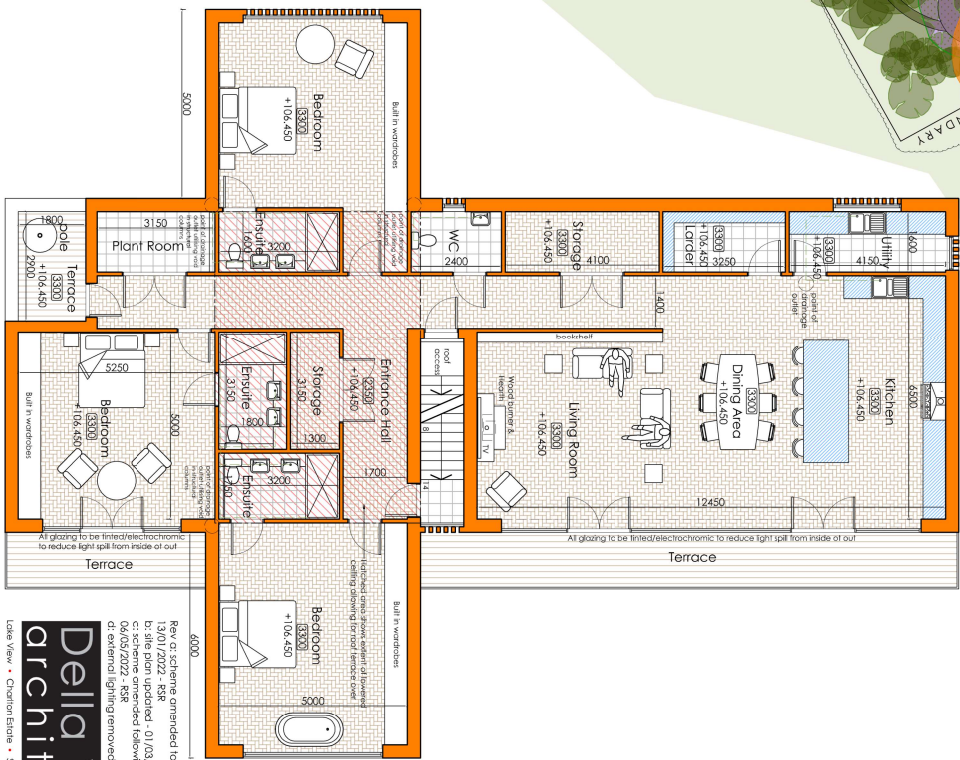


Site Plan 1:500

North

First Floor Plan 1:100

Internal Floor Area - 240sqm



Dello Valle architects

Client • Mr S Woodward
 Job • Proposed new dwelling on land of former Cope Hill, Skimmers Green, Newbury, West Berkshire
 Title • Proposed Site Plan

Scale • 1:500 @A2
 Date • 12/01/2022
 Drawn • RSR
 Dwg No • F1631_104d

Rev 0: Scheme amended to clients requirements.
 Rev 1: Site plan updated. 01/03/2022. RSR
 Rev 2: Scheme amended following consultant feedback - 04/05/2022. RSR
 Rev 3: External lighting removed - 05/10/2022. RSR

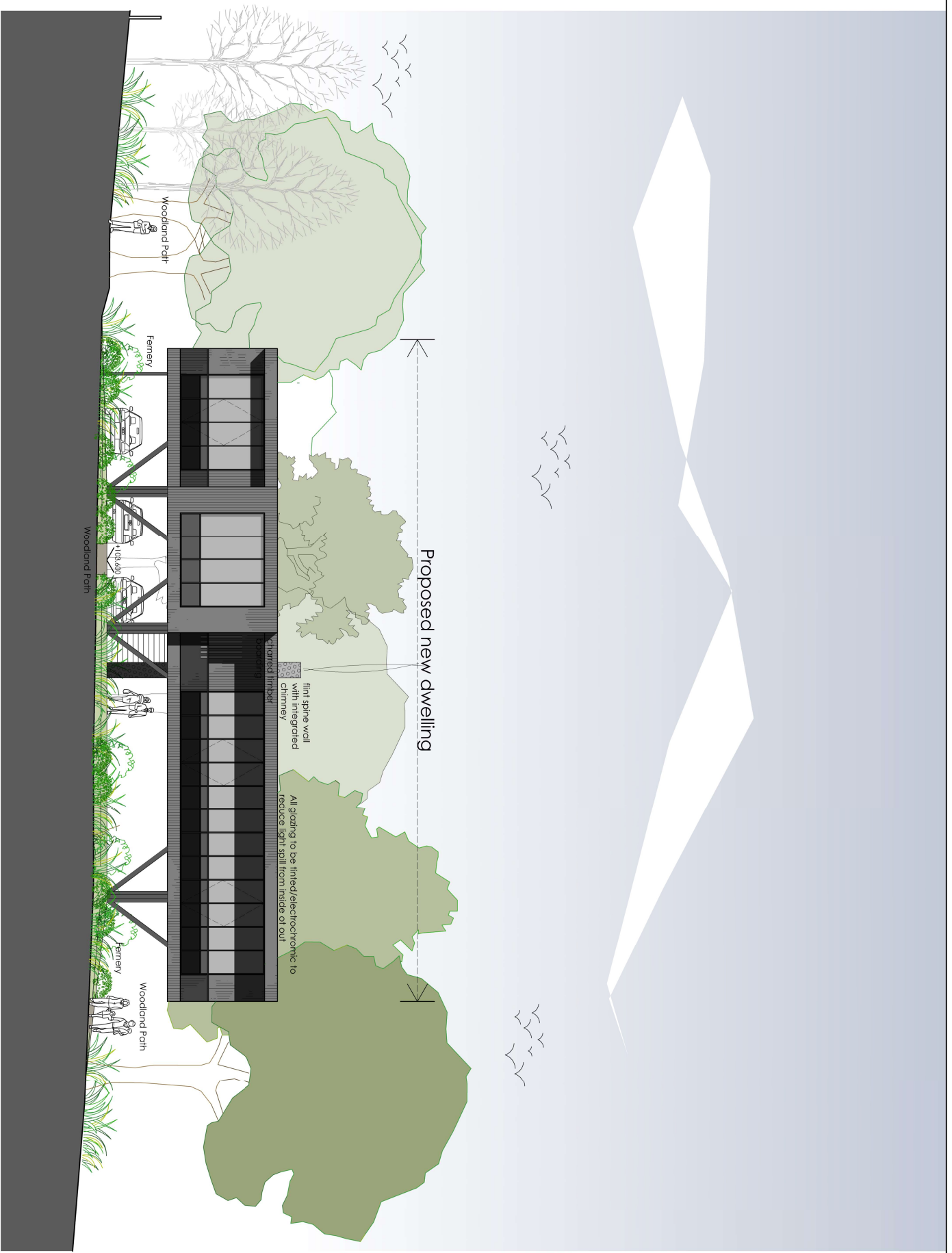
Lead: View • Charlton Elton • Sharon Mohr • BAA SGE
 T 01794 530972 • E mail@dellovallearchitects.co.uk
 Chartered Architect • Designer • Project Manager

NOTES

1. In preparation of a road occupied by motor roads by means of building from the boundary of a site, the proposed building shall be constructed in accordance with the requirements of the relevant planning permission.
2. Any discrepancies are taken reference to the contract.
3. The drawing is for information only.

NOTES

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North East Elevation 1:100

Rev of scheme amended to clients requirements - 13/01/2022 - RSR
 b: scheme amended following consultant feedback - 06/05/2022 - RSR

Della Valle architects

Lake View • Charlton Estate • Shapton Model • B&A SGE
 T: 01749 330972 • E: enquiries@dellavallearchitects.co.uk
 Chartered Architect • Designer • Project Manager

Client • Mr S Woodward

Job • Proposed new dwelling on land of former Copse Hall, Skimmers Green, Newbury, West Berkshire

Title • Proposed North East Elevation

Scale • 1:100 @A2

Date • 12/01/2022

Drawn • RSR

Dwg No • F1631_103b

NOTES

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North West Elevation 1:100

Rev of scheme amended to clients requirements - 13/01/2022 - RSR
 b: scheme amended following consultant feedback - 06/05/2022 - RSR

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 Chartered Architect • Designer • Project Manager

Client • Mr S Woodward

Job • Proposed new dwelling on land of former Coppe Hall, Skimmers Green, Newbury, West Berkshire

Title • Proposed North West Elevation

Scale • 1:100 @A2

Date • 12/01/2022

Drawn • RSR

Dwg No • F1631_101b

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Della Valle architects

Rev of scheme amended to client requirements -
 13/01/2022 - RSR
 06/05/2022 - RSR
 06/05/2022 - RSR

Site Name: **Cherton Edge** • Site Area: **4.44 ha**
 1 0749 330672 • E: enquiries@dellavallearchitects.co.uk
 Chartered Architects • Designer • Project Manager

Job: **Land of former Cope Hall, Skirnes Green, Newbury, West Berkshire**

Title: **Proposed South East Elevation**

Date: **12/01/2022**
 Drawn: **RSR**

Scale: **1:100**
 Dwg No: **F1631_102b**
 @A2

South East Elevation 1:100

NOTES

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South West Elevation 1:100

Rev 02 scheme amended to clients requirements - 13/01/2022 - RSR
 Rev 01 scheme amended following consultant feedback - 06/05/2022 - RSR

Della Valle architects

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 Chartered Architect • Designer • Project Manager

Client • Mr S Woodward
 Job • Proposed new dwelling on land of former Coppe Hall, Skimmers Green, Newbury, West Berkshire
 Title • Proposed South West Elevation
 Scale • 1:100
 Date • 12/01/2022
 Drawn • RSR
 Dwg No • F1631_100b

@A2

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